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LINCOLN
CATHEDRAL STATUTES.

PART II.

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STATUTES

OF

LINCOLN CATHEDRAL

ARRANGED BY THE LATE

HENRY BRADSHAW

SOMETIME FELLOW OF KING'S COLLEGE, CAMBRIDGE,
AND UNIVERSITY LIBRARIAN;

WITH ILLUSTRATIVE DOCUMENTS

[redacted]

EDITED FOR THE SYNDICS OF THE UNIVERSITY PRESS

BY

CHR. WORDSWORTH, M.A.

PART II.

containing early Customs of Lincoln, Awards,
Novum Registrum, &c.
with documents of Salisbury, York, Lichfield, Hereford and Truro.

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"For the sake of preserving unbroken the historical continuity of the Foundation, as well as for independent reasons, we have judged it unadvisable to supersede the existing body of Customs."

Report of H.M. Commissioners upon the Cathedral Church of Lincoln, March 27, 1885.

PREFACE.

WHEN Henry Bradshaw was writing his Introduction to the "Black Book" he expressed his intention of issuing a small companion volume to contain a collection of other STATUTES and TRADITIONAL CUSTOMS of the Cathedral Church of LINCOLN, some earlier and some later than the first quarter of the fourteenth century, the time of the first compilation of the *Liber Niger*.

He left transcripts of four or five such documents, and his 'Memoranda' printed in our former volume sufficiently indicate certain others. But my collection (started upon these lines of his) has grown beyond the size of the "little volume containing as good a text as can be got of the five or six sets of *Consuetudines*, with which Lincoln was provided in the *thirteenth* century, or a hundred years before the Macworth-Alnwick period," which was what Mr Bradshaw contemplated editing in March, 1882[1].

This is in part due to my having had greater leisure for transcribing; while the occasional calls which I have, for making periodical visits to Lincoln, have naturally contributed to my copying documents on which Bradshaw could but bestow a passing glance.

The plan which he proposed to himself was to prefix a few lines of descriptive introduction to each document as it occurred. In several cases I have attempted this, but for the remainder I have found it best to reserve what little I might have to say until I had the whole in type.

Hence the pages of introduction which follow the table of contents.

[1] See Preface to *The Black Book*, 'Lincoln Statutes,' i. p. 2. The Statutes *contained in* the early pages of the *Liber Niger* itself, *i.e.* 'Black Book,' pp. 273—286, 288—297, Bradshaw considered to have been "drawn up in Grosseteste's time, almost certainly between 1230 and 1240." The manuscript itself he dated just a century later.

CORRIGENDA.

Page	*for*	*read*
cxvii. note	'Mersingham'	Messingham.
56, line 20	'Godyne'	Godyue. [And for note 10 refer to the Hereford Martyrology cited by Leland, xviij Kal. Feb. 'Obitus Wuluivae et Godivae, quae dederunt ecclesiae Herefordensi Hopam, Prestonam, Pioniam, et Northonam.' *Itin.* ed. 1704, viii. 40, fo. 79ª.]
178, line 17, 18	'parte'	parte quandam.
178, line 23	'consueuit'	conuenit.
179, line 30	'uirgas'	uirgas suas.
180, line 4	'sunt'	fuerunt.
180, line 28	'futuro continuare'	futuro continue residere, et residenciam suam continuare.
634, line 7	'Stᵃᵉ Mary'	Stᵃᵉ Marg[aretae].
644, line 23	'Featley, *vulgò* Faireclough'	Faireclough, *vulgò* Featley.
762, line 20 (*marg.*)	'chapter'	the Residentiary Chapter.
768, line 7	'preachers'	a preacher.
773, margin	'at the new Bishop's request'	in accordance with the ancient right and privilege attached to his office, and with the concurrence of the new Bishop, and the Chapter.
774, note [1–2]	*read*	The Bishop was placed in this stall 'hard by the west door of the choir' as Dean under 50 and 51 Vict. c. 12 § 9 "until the appointment of a Dean."
775	*add to marginal notes*	He was present on the same day at an early celebration of the Holy Communion.
867, line 18	*read*	(part i., 1897, pp. 8–10).

*** For some corrections and observations for pp. 762, 786 see above, p. cclxxxiii. On p. 738 note 1, Chancellor Worlledge writes to me, "I do not think that the future 'Dean of Truro' will be a Canon. He is shewn the Psalms *quà* Dean. Put together draft Statutes I. § 3, 4, Statutes III. and Statutes XXIX."

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* PART I., containing H. Bradshaw's 'Memorandums' and the Text of the Lincoln 'Black Book,' appeared in 1892.—PART II. consists of two *fasciculi* or portions, now issued together (1897).

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[1] Possibly the *consuetum signum* of the famous *glossator* John de Acton, or Athona, who modestly describes himself, in his preface to his Commentaries on the Legatine Constitutions, as 'scarce worthy to spoil parchment.'

[2] The date hitherto given for the first proposal of a Novum Registrum was '1440,' and so I have printed it in the margin on p. 270. But the evidence which I have recently discovered (see below, pp. 430–2) makes it evident that 9 June, 1439, is the true date, i.e. *before* the publication of Alnwick's Laudum.

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2. De canonicorum ingressu. (p. 312.)
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[1] The copy in the Lincoln Chapter Acts is here compared with a set of Injunctions for certain Cathedrals issued by Royal Commissioners in the previous year, whereof a copy in Parker's own hand is preserved at Corpus Christi College, Cambridge.

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INTRODUCTION.

1. We begin with the Charter granted to Remigius first Bishop of Lincoln[1] by William Rufus in September 1090, referring to the grant and privilege of liberties and benefits which the same prelate had received from K. William I., some twelve years earlier or more. Had Bradshaw lived, he would perhaps have told us many interesting things about the signatories of this charter. To do this is beyond my power[2].

Salisbury.

2. For our second document: I have thought it my duty to give without question to the Salisbury Charter of 1091 the title "*Institutio Osmundi*" which Bradshaw gave to it, although there are two other claimants to this

[1] Several writers have stated that Remigius founded Lincoln on the model of Rouen. John de Schalby in his brief memoir of Remigius (writing about 1330) says, "Constituta vero ecclesia, et *iuxta ritum Rothomagensis ecclesie stabiliter collocata*, viginti et vnum Canonicos constituit in eadem." A. 2. 3. lf 1. Cf. Dimock's *Girald. Cambr.* vii. p. 193 (Rolls Series). Bp Alnwick repeated this statement, which Schalby may have derived from the old Lincoln Martyrology. See below, p. 272. Although Bradshaw has shown that its affinities were rather with Bayeux, *so far at least as constitution goes*, there appears to be some reason to believe that the structure of the original fabric of the Cathedral Church followed the lines of Rouen Cathedral. The latter was burnt in 1200, but the dimensions may still be seen at Rouen. (G. A. Poole, in Lincoln Dio. Arch. Soc.)

[2] On the effect produced upon Henry Bradshaw when he saw an autograph signature of Remigius, Founder of the Church of Lincoln, see below in our concluding fasciculus, p. 697. See also *Memoir* by G. W. Prothero, p. 279. And for his remarks on handwritings, cf. *ibid.* p. 337.

name. It was a great point with him that the famous Salisbury treatise commencing 'Personas et earum officia et† dignitates et consuetudines quibus ecclesia saresburiens̄ ordinatur et regitur, iuxta institucionem felicis memorie Osmundi eiusdem ecclesie† fundatoris episcopique† presens tractatus explanat[1],' belonged not to the old Sarum of St Osmund (1090) but to the New Salisbury of Richard Poore (1215). On the other hand modern writers at Salisbury have made perhaps more account of what is known as the 'foundation charter of St Osmund' 1091, which corresponds to some extent with the Lincoln Charter of the previous year, and which speaks of manors, churches and offerings granted to the 'canons living canonically' in the Church which he had built[2]: but at least for our present purpose, and as the acorn from which Bp Poore's *Tractatus*, and (in a sense) the entire Use of Sarum, grew, the 'Hec sunt dignitates' is of far greater interest, and deserves the name of 'Osmund's *Institutio*' which Bradshaw has vindicated for it.

I have numbered the little paragraphs, so that Churches in England and Scotland may trace the extent of their obligation to the Sarum Founder, phrase by phrase; and I have shown in an appendix how far Bp Poore's *Consuetudinarium* is indebted to both of St Osmund's documents. (See below, pp. 867–871.)

Lichfield.

3. In printing (as H. B. proposed to do) the Lichfield customs from the earliest known MS., which happens to be

[1] I give here the text from that early (13th cent.) MS. (olim Mant et Todd) Cambridge Univ. MS. Add. 710, which, if not really the copy sent originally from Salisbury to initiate the Church of Ireland in customs of Sarum Use, must be not much later.

[2] The charter here referred to is printed in the '*Register of S. Osmund*,' I. pp. 198—200 (Rolls Series), and in Dayman and Jones' *Statuta et Consuetudines Eccl. Cath. Sarisberiensis* (Bath, 1883), pp. 3—5. For some remarks on the early Sarum Charters, and on the Consuetudinary of Bp Poore, see appendix at the end of our present collection.

at Lincoln, I have not only numbered the paragraphs of the first section, but in the second (pp. 16—22), which bears a close relationship to Lincoln and other constitutions, we have given, in the margin, cross-references to chapters and sections of the Sarum Consuetudinary of Bp Poore, chapters i—ix., according to the common numbering, re-divided and numbered afresh (as 'i—iii.' with sub-sections) according to the view of their rationale as Bradshaw understood it.

A few selections and notes are given of other sets of Lichfield Statutes, but an adequate edition of these is still required[1].

At p. 19 (in the Lichfield Statutes of 1190) it is mentioned that a spear or pole (*hasta*), and five and twenty candles, were provided on the four days of Christmas by the Sacrist of the Cathedral. Such a *hasta* is mentioned several times in the Sarum *Processionale* (pp. 74, 75, 78, 83, 126; ed. Henderson. It was not to be used on Whitsun Eve, p. 124). I do not know whether it was to a somewhat similar custom that an entry under the head of 'Curialitas' appears in the clerk's computus at Lincoln in 1452—3.

'*Debet* pauperibus de Glentham, 7*s*.

portantibus hastam de Netilham ad festum Pentecostes, 6*s*. 8*d*.

[1] "*Liber Primus Miscellaneorum*" [Lichefeld] (xiii). The earliest book of Lichfield Cathedral Statutes now preserved in the Registry there was written (says Mr Reginald Poole) "near the end of the sixteenth century. It contains the older collections of Statutes arranged under bishops, together with some miscellaneous articles. The statutes down to those of bishop Geoffrey Blythe [A.D. 1526] are printed by Dugdale vi. 1255–1266, No. xlvii. (It is natural to suppose that this volume is the 'Autogr. penes Dec. et Cap. Eccl. Cath. Lich.' which Dugdale used; but the number of small divergences, as well as other peculiarities, make it more probable that he transcribed an older text...) The book itself includes [statutes] of Bishop Overton [who held the see in 1580–1609] and other documents. There are besides several later volumes containing the Statutes of the Church." *Hist. MSS. Commission*, xivth Report, App. part viii. (1895) p. 226 (text and note).

A Schedule of muniments (O. 3) inspected in 1340 mentions in one of its items 'quedam cedula continens copiam statutorum Rogeri vel Hugonis.' *ibid*. p. 234.

Dño W. Mogham capellano pro custodia Organorum, 13*s.* 4*d.*' &c. &c.

Hereford.

4. The Hereford Customs, of which several MSS. came within my reach (though none at Lincoln itself), have no claim to be included as bearing any direct relationship to Lincoln Statutes. They serve as a specimen of Cathedral traditions and rules of an absolutely independent type.

I have had the benefit of some assistance here from the late Mr S. S. Lewis, and from the Rev. Walter H. Frere and Mr A. Rogers, and above all from the principal living authority on Hereford Statutes, Chancellor Phillott[1]. I have also myself worked at the MS. in the British Museum. Having prefixed to the text a sufficiently long introduction[2], I will merely add, with regard to the date of the collection, an observation which we owe to Mr Phillott. The appointment of Six Vicars and their endowment by Ralph de Maydeston, Bp 1234—9, who had been Dean for four years previously, is mentioned (p. 74); it may therefore be considered probable that regulations of some sort (written, or regularly established by tradition) were already in existence at Hereford before the time of Peter de Aquablanca, Bp (1240), uncle of Dean J. de Aquablanca. It is highly improbable that endowments should have been given to a body of Vicars, unless they had been placed under some distinct regulations.

[1] I leave this sentence as I wrote it near the close of 1895, little thinking that the Chancellor of Hereford would not live to see this book published. He died Dec. 4, 1895.

[2] On the subject of pilgrimages from Hereford (pp. 48, 56) I might have referred the Reader to a note in Dr Rock's *Church of our Fathers*, iii. p. 433, note 15, where he mentions the hazel wand or 'bourdon,' the oyster and mussel shells, found buried with Ri. Mahew Bp of Hereford who died in 1516, and the like signs of pilgrimage found in other graves in that place. For licence to make pilgrimage to Canterbury ('*limina S. Thome martyris*') or Avignon ('*Romana Curia*,' '*limina sancte sedis*' in 1311, 1318) see *Register of J. de Drokenesford*, Bp of Bath and Wells, ff. 18, 52, 120.

It will be remembered that the date assigned to the Statutes of Vicars Choral at Lincoln is 1236 (see no. 7, below).

York.

5. Although we have been unable to complete our trilogy by adding to the charter of Lincoln, and the Salisbury 'Institutio,' the foundation Charter of York (which so far as I am aware is not now extant), Dr Raine has enabled us to give a trustworthy text of the old York Statutes. These (though printed for private use before) are thus for the first time made generally available for study.

I have pointed out on pp. 109, 110 a passage of some length which is common to Abp Gray's York Statute *De Stipendiis Vicariorum* with the Lincoln (enlarged) Vicars' Statutes of 1309.

To the late J. R. Lumby, D.D., Lady Margaret Professor of Divinity at Cambridge, and prebendary of Wetwang in York Minster, I was indebted for the loan of a copy of the privately issued impression of York Statutes, which he sent me with his usual prompt good nature. As a conscientious student and editor of reliques of our early literature Dr Lumby leaves a good name and an honourable memory.

Lincoln Customs.

6. Here we resume the domestic customs of Lincoln. The set to which Bradshaw gives the date 1214 ('*Dignitates libertates et consuetudines*' sent to Scotland) occurs in three manuscripts and appears to have been originally registered in the old *Martilogium*, now lost. He has given some remarks upon it in his introduction to the *Black Book*, pp. 40—44, 89. I have given cross references to Sarum. These early customs sent to Scotland were written down at Lincoln in the episcopate of Hugh de Wells, the immediate predecessor of Grosseteste.

7. '*Constitutiones Lyncolnienses, et Capitula de Residencia*,' commonly called 'Statuta Vicariorum,' have been

noticed by me, *Black Book*, pp. 57—59, and I have there described the MSS. in which these are contained. To the authorities there mentioned I must now add the title of the edition of the Moray Register which I had not before me until 1894. It is:

Registrum Episcopatus Moraviensis, e pluribus codicibus consarcinatum circa A.D. 1400. (4to Edinb. 1837. Bannatyne Club [ed. Cosmo Innes].)

Documents nos. 45, 47. Bull A.D. 1207 to establish Cathedral of Holy Trinity, Spyny. Confirmed 1215.

No. 48. Epistola Capituli Lincolniensis de constitutionibus ecclesie sue. 1208—1223, pp. 44—51.

No. 49. Constitutiones Lyncolnienses et capitula de residentia, pp. 51—58.

The following passage is of importance.

No. 93. Statutum de Canonicorum Officijs. (Moray, 1242.)

(p. 107) Hec sunt statuta per Episcopum et Capitulum approbata.

In Nomine &c. Anno Incarnationis 1242 mense Julio in ecclesia cathedrali apud Elgyn · hec sunt statuta Episcopi et capituli Moraviensis a fratribus in capitulo constitutis approbata.

In primis receptum est et approbatum quod Episcopus juxta quod obtinet in ecclesia Lincolniensi omnium prebendarum liberam habeat donationem quotiens vacaverint · et facultatem plenam eas conferendi cui voluerit, ydoneo tamen, preter exceptas in aliquo alio instrumento.

Ad decanatum vero nullus assumatur nisi per canonicam capituli electionem, nisi forte ad episcopum dyocesanum, vel superiorem, decanatus donatio fuerit devoluta.

Later on occurs an interesting passage which shows how Sarum and Lincoln customs were alike valued in 1242 in Scotland for different ends:—(p. 109 § 5) 'Item receptum est et approbatum communiter ut in divinis officiis, in psallendo, legendo, et cantando, ac aliis ad divina spectantibus, servetur ordo qui in ecclesia Salisbyryensi esse noscitur institutus.'

The documents and privileges which were sent by the Lincoln folk, along with the statement of their own Customs, were the Letters of the Lincoln Bishops :—

Robert de Chesnay 1148, *Black Book*, p. 309, on the immunity of prebends (*Moray Reg.*, p. 48).

Hugh I. *Ex inspectione* = Reg. Antiq. Linc. no. 907.

Willelmus. *Ex inspectione. Licet ex officij* (*Mor. R.* p. 49) = Reg. Antiquiss. Linc. no. 910.

Alexander. *Quotiens ex ecclesiasticis.* (*Mor. R.* p. 50.)

Alexander. *De negligentia.* (*Mor. R.* p. 51.)

Shortly afterwards, the Dean and Chapter of another northern cathedral church made application to the sister Church of Salisbury for a statement of the canons' privileges. We find in Cosmo Innes' edition of the Glasgow Episcopal Register (Maitland Club, 4^to^ Edinb. 1843), document 208, i. p. 166, the 'Confirmacio libertatum Sarisberiensis ecclesie. 2 Jan. 1258.

R[obert de Praebenda] elect of Dunblane, canon of Glasgow, writes to the Dean and Chapter of Glasgow,—

Noveritis quod cum bone [p. 167] memorie W . . . . . , quondam noster Episcopus, ecclesie Glasg. et nobis omnes libertates et consuetudines Sarum ecclesie ' tocius capituli nostri accedente consensu ' concesserit, nos omnes et singuli ipsam concessionem in omnibus libertatibus et consuetudinibus quas nobis expedire viderimus et prodesse ' ratas habentes ' &c.—We pledge ourselves under oath not to contravene this: but if hereafter the majority shall agree that it is pleased to alter 'aliquas consuetudines dicte Sarum ecclesie in ecclesia nostra,' we are ready to carry out such future alteration.

No. 211. Litere capituli Sarisberiensis de consuetudinibus ecclesie. Die Ascensionis [22 May] 1259.

R[obert de Wykehampton] Dean, and Chapter, of Salisbury send to the Dean and Chapter of Glasgow their 'libertates et approbatas consuetudines.' They cite the celebrated 'Personas et earum officia' of Bp Poore, chapters i—ix., adding, 'Eisdem tamen libertatibus et

consuetudinibus gaudet ecclesia nostra in ecclesiis [et] decimis ad communam ipsius infra Sarr̃ dioc. assignatis quas habet in prebendis infra eandem dioc' existentibus, exceptis quibusdam ecclesiis de novo ad communam assignatis, in quibus premissas libertates nondum optinuit.

'Preterea noveritis quod communia ecclesie nostre inter residentes tantum clericos, vel qui pro negociis capituli sunt absentes, distribuitur secundum consuetudinem hactenus approbatam.

'Istud eciam notorium est quod libera eleccio Decani ad Canonicos ecclesie pertinuit a tempore beati Osmundi predicti.

'In cuius rei testimonium presens scriptum capituli nostri sigillo roboravimus.

[22 May, 1259.] 'Dat. Sarr̃ die Ascensionis Dñi · Anno gracie m · cc° quinquagesimo nono.'

Ex Registro Episcopatus Glasguensis, i. p. 171.

No. 213. Confirmacio libertatum[1] Sarisberiensis ecclesie per canonicos Glasguensis ecclesie. (Sat. before St Luke's Day, 13 Octob. 1268.) This contains the same provision for future possible alterations as no. 208, cited above.

It will be remembered that our Lincoln '*Statuta Vicariorum*' themselves are referred to the opening of Grosseteste's episcopate.

8. The short order *De Statu Puerorum*, 1264, has been mentioned by Bradshaw, *Black Book*, pp. 110 *n.*, 242, 260, and I have prefixed a note to the text itself at p. 161[2].

[1] We find at Lincoln among the muniments (A. 1. 1. no. 24) a bull of Pope Alexander IV. who, following the example of his predecessor Innocent, grants to the Dean and Chapter of Lincoln his confirmation of "antiquas et racionabiles consuetudines, pacifice in vestra ecclesia obseruatas, que canonicis non obuiant institutis. Dat. Lateran. ij. [Non.] Aprilis Pontificatus Anno [primo]," 1255. (This is copied in Registro Antiquissimo (A. 1. 5) no. 903.)

[2] In 1257—8 the Abbat and Convent of 'Ossulveston' (Ouston, in Leicestershire) granted 20*s.* yearly for support of choir boys in Lincoln

But before leaving the subject of the Vicars and the Choristers, I take this opportunity of inserting three short documents which have come within my reach since the others were sent to press.

A document relating to the Vicars' property (cir. 1270) is inserted on a space which had been left blank in Ant. de Beek's Book at the conclusion of the extract '*sumpta in fine antiqui Martilogij.*'

*Carta de Boungarth.

*A. de Beek's Book A. 2. 2 lf. 12 (line 11)

VNIVERSIS sancte matris ecclesie filijs hoc scriptum visuris vel audituris.

Will's de Lessyngton, Decanus et Capitulum Linc' ecclesie, salutem in Domino sempiternam.

Nouerit vniuersitas vestra nos de fratrum nostrorum vnanimi voluntate communitati vicariorum ecclesie nostre remisisse vnam marcam argenti quam ab eisdem recipere consueuimus annuatim ad obitum quondam dñi Roberti de Hayl canonici Linc'[1].

Insuper concedimus et confirmamus tenore presencium toti communitati supradicte in recompensacionem reddituum suorum in parochia sancte Margarete ad ampliacionem atrij ecclesie nostre per nos prostratorum quandam placeam que appellatur Bonnegarth cum adiacente placea que vocatur Werkdyk' quantum ad nos pertinet, quarum longitudo se extendit a via que venit ad ecclesiam sancte Margarete versus curiam Episcopi vsque ad nouum murum ciuitatis cum tota latitudine tam in inferiori parte quam superiori inter mansionem dñi Episcopi ex parte occidentali et venellam[2] publicam ex parte ori-

Cathedral. This was paid to the succentor. In 1258 the Prior and Convent of Malton granted 5 marcs a year, to be paid half-yearly, for the same purpose. (D. ii. 63, box i.) In 1290 (Sept. 16) the precentor, Adam de Brampton, petitioned the Chapter respecting his right over the choristers, and concerning dilapidations, and the payments of first fruits to the pope. He represented that the Chapter had enjoyed the proceeds of the precentory for a year and a half during its sequestration (*ibid.*).

[1] Rob. de Hayle, Archdeacon of Lincoln, died in 1238.

[2] 'venella: *viculus, angiportus, via strictior.*' Du Cange, *Glossar.*

entali. Ita quod de tota area supra memorata possint dicti vicarij licite ordinare ad inhabitacionem vicariorum et clericorum ecclesie nostre predicte prout sibi et vtilitati ecclesie melius viderint expedire.

[cir. A.D. 1267—71.] In cuius rei testimonium presentibus in modum cirographi confectis sigilla capituli et communitatis predicte alternatim sunt appensa.

presentibus nobis Will'o Decano predicto.
dño Galfrido de Thame precentore.
Magistris Ricardo de Bello Thes'.
Nicholao de Hiche, et alijs.

The above belongs to the episcopate of Ri. de Gravesende. Mr Maddison has told us that Boungarth was the ground where the executors of Oliver Sutton, Bp Gravesend's successor, built the first portion of Vicars' Court, viz. those houses which are on the western side, nearest the Bishop's palace, after his death in 1300, for the senior vicars. His intention had been to provide a common abode for the entire community of vicars[1]; but it was not till 1328 that land was granted (by the Dean and Chapter) for the accommodation of the juniors, or 'vicars of the second form[2], not being priests.' (*The Vicars Choral of Lincoln Cathedral*, pp. 8, 9; cf. 43.)

[1] A Chapter Act of Friday Dec. 30, 1305 prescribes that in future every vicar should be obliged on his admission to swear 'de cohabitando cum aliis vicariis in nouis domibus, et de communicando cum eisdem in mensa, nisi causa racionabilis obsistat.'

lf 1ᵃ. In 1312—13 (Jan. 26) the D. and C. referred to Bp J. de Dalderby the question of their jurisdiction over the Vicars Choral.

In April 1318 it was ordered that the two chaplains of the H. Benyngworth Chantry (at the altar of St John Evang.) should (after the first nominations by the founder) be chosen 'de vicarijs in domo communi situata in quodam loco vocato Boungarth commorantibus et conuiuentibus ad communam, dummodo ibi ydonei reperti fuerint. Alioquin de vicarijs extra commorantibus.' (*Chantry Book*, A. 1. 8, fo. 24.)

3 Aug. 1409 the Vicar Choral of Biggleswade promised on oath 'quod stabit ad matutinas B. Marie iuxta nouam ordinacionem.' *Chapter Acts*, 'Sextus Primus.' lf. 43ᵇ.

[2] Junior vicars of the second form: at Lincoln the *forma secunda* was the row immediately below the *superior gradus* of stalls (where canons alone were admitted (or their vicars when their '*domini*' were absent).

The document which follows has been written by the same hand, and (being crowded into the bottom of the page) has become in one part illegible.

MEMORANDVM quod cum subdecanus et Capitulum Linc' collegio vicariorum dudum concessissent aream que iacet inter venellam que est versus ecclesiam sancte Margarete et murum Dñi Episcopi secundum tenorem carte quam inde habent vicarij predicti, et vicarij ipsi pro vtilitate fabrice a predict' Decano et capitulo requisiti vt saltem coquere ad opus fabrice eiusdem sinerent in quadam eiusdem aree porcione, hoc ea vice benigne concesserunt. et ne per illam concessionem posset eis quoad ius suum inposterum preiudicium generari, concessum est eis a Decano et Capitulo (?)quod non possit ecclesie predicte concessionis ius aliquando alias faciendi censeri....predicto loco ipsis initis a quocunque inposterum vendicari.

In cuius rei testimonium huic [ordinacioni] signum capituli est appensum.

Dat' die dominica prox' ante festum sancti Gregorij pape Anno Dñi M.cc°.lxx°. quinto. 9 March 1275—6.

present' Oliuero de Suttoñ tunc Decano
Galfr. de Thame precentore
Ricardo de Bello Thes.
Galfr. de Vndell' subdec. et
Rogero de Caua[1] Canonicis [eccl. Lincolñ.]

The canon presiding at the office sometimes was placed '*in secunda forma*' till the collect was to be said (*Liber Niger*, p. 368). There also the secondary ruler of the choir intoned the psalms and hymns of the Little Hours; and there was the place for acolytes, subdeacons and deacons (*ibid.* pp. 370, 386). Below the *forma secunda* was the '*prima forma*' (in Lincoln terminology) where the boys were placed. See Maddison, *Vicars Choral*, pp. 5, 58, 64, 70, 71. At *Salisbury* also and elsewhere (*De chori ordinatione*) the boys' seats were styled *prima forma*.

[1] Roger de Cave appears in the Black Book under the date 1261. Possibly he may be identified with the earliest known prebendary of Castor whose name is given by Hardy as 'Roger de Care or Cove, about 1220.'

* Ant. de Beek's Book lf. 12b.

*SCRVTATO registro dñi Joh' de Gynnewell nuper episcopi Linc' predecessoris nostri immediati comperimus in eadem contineri ea que secuntur (∧ sub hac forma).

Concordatum est inter Capitulum Linc' ex vna parte et precentorem eiusdem ex altera quod precentor habebit presen[t]are vnum pedagogum ydoneum pro pueris choristis in cantu et grammatica instruendis qui per eos examinatus ad presentacionem ipsius precentoris erit admissus.

Presentabit insuper idem precentor Capitulo Linc' pueros in choristas recipiendos qui per Capitulum erunt examinati et per ipsum capitulum, si inueniantur habiles, ad presentacionem dicti precentoris admittentur, reseruata nobis et successoribus nostris facultate premissa declarandi et interpretandi, si opus fuerit in futurum.

19 Dec. 1351. Act' coram Episcopo in palacio suo Linc' ·xiiij· klñ Januar' Anno Dñi M°.ccc°.lj°.

presentibus dñis Antonio de Goldesburgh'
Galfrido le Scrop[1]
Hamone Beler'[2]
Ricardo de Whitewell[3]
Radhō de Erghōm[4]
Ad. de Lymbergh'[5], &c. canonicis dicte ecclesie Linc', et Johanne de Kelsay[6].

9. 'Consuetudines non scripte' collected by John de Schalby from his own observation about 1280—1330. Bradshaw has given a brief account of these, *Black Book*, p. 94.

As the Summaries given of Beek's and Schalby's

[1] Jeoffrey le Scroop, preb. of Heydour cum Walton, 1334—80.

[2] Hamo Belers, subdean and preb. of Welton Westhall, 1348—70.

[3] Ric. de Whitwell, preb. of Empingham, cir. 1332—52.

[4] Ralph de Erghum or Urgham, preb. Decem Librarum, afterward Bp of Salisbury.

[5] Adam de Lymburgh became subsequently, for a very short space, in 1360, preb. Decem Librarum.

[6] John Kelsey was preb. of Crackpole St Mary, 1349—79.

Books are by no means exhaustive in the former volume (I. pp. 91, 240, 241), I give here more complete tables of contents.

Antony Beek's Book.

A thin parchment book, measuring 10 in. × 7 in., in its original limp parchment cover[1], marked outside by J. F. Wickenden '𝔍.' (It was formerly numbered '32' and now is 'A. 2. 2.')

It was written by, or (I think) more probably for, Antony Beek (the younger)[2] while Canon of Lincoln, and

[1] The cover consists of a sheet of contemporary accounts, a portion of a computus roll, on which such names as Mr T. Beek, Ric. de Stretton, J. de Harington, and Will. de Bayns, occur.

[2] The two pairs of brothers of similar names, and it is believed of the same kindred, may be thus distinguished.

a. *Thomas Becke* (1), Bp of *St David's*. Presented to the prebend of Castor in Lincoln Cathedral by K. Edward I., 20 Jan. 1279—80, was consecrated, at Lincoln, in the following year to the See of St David's (6 Oct. 1280). He paid the expenses of the Translation of St Hugh. Died 12 May 1293.

b. *Antony de Bek* (1), brother to the above. King of Man and patriarch of Jerusalem, and Bp of *Durham*. Archdeacon of Durham cir. 1274—83, Canon of Lincoln, Friday Oct. 7, 1278. Preb. of St Pancras in St Paul's, London, 1278. Preb. of Strensall in York minster, cir. 1279. Preb. of Totenhall, in St Paul's, cir. 1280. Elected Bp of Durham 9 Jul. 1283. Consecrated 9 Jan. 1283—4. Died 3 Mar. 1310—11. He founded the Collegiate Churches of Chester-le-Strete (1287) and St Andrew's, Bishop's Auckland (1292), and paid the expenses of the Translation of St William of York, 1284.

c. Antony de Bekk (2), Bp of *Norwich*, was son of Walter, constable of Lincoln castle. Born 4 Aug. 1279. Preb. of Ketton 1312. Preb. of Thorngate 1316. Chancellor of Lincoln, with N. Kelsey prebend, 4 Sep. 1316. He was *elected* Bishop of Lincoln by the Canons after the death of St John de Dalderby; but the Pope nullified the election, 1320. He became Dean of Lincoln 1329. Consecrated Bp of Norwich 30 March 1337. He died at Heningham manor 18 Dec. 1343 and was buried in Norwich Cathedral.

d. Thomas Beek (2), third son of Walter, constable of Lincoln castle. (John the elder brother of *c* and *d* was constable of Bristol and of Lincoln.) Bp of *Lincoln*. He was born 22 Feb. 1283. Preb. of Clifton in Lincoln Cathedral before 1332. Elected Bp of Lincoln in March 1340—41, consecrated 7 July 1342. Died at Lincoln 2 Feb. 1346—7.

owned by him while Dean (cir. 1329—36), and taken with him to Norwich when he was made Bishop of that see. Canon of Lincoln, preb. of Ketton 1312, Thorngate 1313, Chancellor (and preb. of North Kelsey) 4 Sep. 1316. Dean 1329. Bishop *elect* in the spring of 1320 after the death of John de Dalderby, but the election was nullified by the Pope and H. Burghersh succeeded. Subsequently A. de Beek was consecrated Bp of Norwich in 1337. He died at Heningham manor, 18 Dec. 1343, and was buried at Norwich.

On the cover is the following note:

'Upon the Supposition that this MS. might formerly belong to the Library of the Rev. the Dean and Chapter of the Cathedral Church of Lincoln, it is with great Respect presented and restor'd to them by the present Possessor

Gilbert Benet[1].'

June 3[d] 1754.

It consists of six quires or gatherings *a*—*f*, which comprised originally 38 leaves. Six leaves have been cut out before the original pagination was made, and a single leaf has been stitched-in just before the final leaf, after the numerals were written but before the pages were filled with writing.

Sheet *a*. A 12-leaf quire.

℄ Registrum canonicorum ecclesie Lincolnie.

Consuetudines ecclesie Linc'.

(1) De dignitate Episcopi [et Decani][2], lf 1. (2) De commutacionibus prebendarum, lf 2. (3) De instauro [Canonici] decedentis, lf 2[b]. (4) De Waretto et prato [canonici mortui], lf 3. (5) De numero personarum ecclesie Linc'. et de creacione Decani, lf 3[b]. (6) De

[1] The name 'Gilbert Berett' occurs in the list of prebendaries Sanctæ Crucis as holding that stall till 1753. Perhaps the book was found by a son after his decease.

[2] The words supplied [in brackets] are derived from an early fifteenth century table of contents which is written on the old cover of the book, now bound in at the end.

Officio Decani, lf 4. (7) Officium Precentoris, lf 5. (8) De Officio Cancellarij, lf 5^{b}. (9) Officium Thesaurarij (this chapter remains unaltered[1] in its original condition. See *Black Book*, p. 288 *n.*), lf 6. (10) Die Natalis Dñi ad vesperas · ad processionem Diaconorum [et per quem cerei luminar' *&c.*], lf 7. (11) De seruientibus ecclesie, lf 7^{b}. (12) Qui debent ministrare in maiori altari ['Qui debent celebrare ad summum altare'], lf 8^{b}. This ends '...una vice,' lf 10^{a} = *Black Book*, p. 297.

(13) Sumpta de Martilogio antiquo.

¶ Hec sunt dignitates, lf 10^{b}.

ends ... 'subiacebunt vlcioni.'

[1] As regards the matters which fell within the department of the Treasurer the following extract from a Lincoln *computus* of 1452—3 may be of interest:

'Consuetudo solita in ecclesia cathedrali

Debet solut' Thesaurario Lincoln ecclesie pro inuencione cordarum campanarum et thuris. 4*s.* 6*d.*

[It appears from the accounts cir. 1403 that this charge was to repay the Treasurer for expenses relative to certain *festis duplicibus de nouo institutis* which of course were subsequent to the provisions of the Black Book. In some years, e.g. 1446, 1475, 1531, they are called 'nouis (*al.* 'nouem') *semiduplicibus* (*al.* 'simplicibus') festis *per archiepiscopum Cantuar. in visitacione sua* impositis.']

Dt in Serotecis [i.e. *chirothecis*, gloves] emptis pro Maria et Angelo ex consuetudine in Aurora Natalis Dñi hoc anno, 6*d.*

Et in duodecim paribus sotularium emptis die Cene Dñi et datis pauperibus, prout allocatur in precedeñ. 6*s.* 8*d.*

Et claudentibus *Alleluya*, 6*d.*

Summa 12*s.* 2*d.*"

The item for the vestment or vestry account specifies

"Reuestr.—Rebayne de serico J. Lynton westmentmaker....10*s.* 4*d.*"

The payment "pro excludend' *Alleluya*," viz. at the last service before Septuagesima, was entered in the Chapter Accounts at Lincoln as late as 1617. Compare the hymn *Alleluia dulce carmen* (which is found in MSS. of the eleventh century, &c.). And for its translations into the vernacular, see Julian's *Dict. of Hymnology*, p. 48.

There is a curious entry relating to the dresses of "the [two] Maries" in a later gild pageant (the 'procession of St Anne's sight' as it was called in 1547) among the Lincoln *Civic Records* 16 July, 1521 (*Hist. MSS. Report* xiv., App. viii. p. 29). About 1564–66 a 'standing play from a story of the Bible,' viz. 'the stage play of the (apocryphal) story of old Toby' was played at Lincoln 'in the summer,' 'at Pentecost,' 'two days in the Whitson holidays.' *Ibid.* pp. 56—62.

Sumpta in fine antiqui Martilogij, lf 12ª. (Printed below, pp. 137—142.)

Beneath this is inserted later in small hand-writing:

(14) Carta de Boungarth. W. de Lessyngton Decanus et capitulum Linc' ecclesie. [J. Gynewell, Bp.] Lincoln Palace 14 Kal. Jan. 1351. (Printed in the present volume pp. xlix, l.)

On lf 12ᵇ at the top the original hand has written, as at the beginning, '·¶· Registrum canonicorum ecclesie Lincolñ.'

Sheet *b*. A 2-leaf quire of which the second leaf 14 is still left blank on both sides, the margin only being ruled. Both sides of leaf 13 are filled with a small-hand copy of

(15) Statuta vicariorum Lincoln.

Si quis canonicus habens vicarium... Porro de stipendiis... Et cum emolumentum, *&c.*... prout decet corrigatur. ¶ De gestu clericorum in choro... ¶ Hec autem sit forma† standi et sedendi in choro. Omnes debent *&c.*... Benedictus qui venit in nomine Dñi'. (See below p. 145, line 2—p. 153.)

† 'Hec autem sit forma [omnium' *ed.* Wilkins]. *Moray.*

Sheet *c*. An 8-leaf quire.

(16) Carta concessa per Decanum et Capitulum Rogero Skeryngton pro viij s. redditus in Stooke cum certis bullis. [A.D. 1305] 'Philippus [Wilughby] Decanus et Capitulum matricis eccl. Linc.' The attestation names Ralph Barri chancellor, Gilb. de Eyuyll treasurer, Gilb. de Segraue archd. Oxon., H. de Benyngwood' subdean[1], W. de Ocham archd. Stow., W. de Thornt' provost, lf 14ᵇ.

(17) 'Confirmaciones Pape Eugenii (et Alexandri) de Cancellaria Lincoln et Prebenda de North Kelesay.' Pope Eugenius gives or confirms All Saints Lincoln to Dean and C., with the right to elect their Bishop.

(18) Alexander &c. Churches of North Kelsey and All SS. in the Bail, houses in Eastgate and parish of

[1] 'Benyngwood': *al.* Beningworth, buried in the Minster. He was Subdean 1294—1318. *William* de Beningworth had been Subdean cir. 1230—40.

St Augustine, land in prebend of Subdean Humphrey [cir. 1140], Centum solid' annui in Archid' Linc. de redditu Episcopi, belonging to the Chancery, and houses near the bridge which Rob. de Stuteville gave as a prebend.

(19) 'Dimissio terre de Oskinton.'

De quinque bovatis terre in Oskinton. Agreement between Dean R. and Chapter of Linc. with Eudo de Oskinton, lf 15^{b}.

(20) De Burgo Derby et de terris pertinentibus ad Decanum (*Domesday extracts*), lff 16, 17.

(21) Hic annotantur qui tenent terram in Snotynghamscire de conquesto. (18 names numbered. Then 12 other names. 'In Rotelande' 7 names), lf 18^{a}.

(22) ¶ Terra Regis in Wapp' de Berseteland &c. lf 18^{b}.

(23) ¶ Rex vic' Derbeye salutem. Precepts to D. & C. of Lincoln and Prior of Linton to deliver advowson of the church of Derbey. Westm. xiij. die Dec. anno regni quarto, lf 18^{b}.

(24) ¶ Littera dimissionis concessa per Rogerum [de Northburgh] olim Lichefeld episcopum 'et Couentrens Antonio de Beek decano Lincoln super manerios ecclesie de Cesterfeld' Wirkesworth et Escheborne (Ashborn) et de ecclesia Omnium Sanctorum Derbey,' et de capellis annexis. Dat. apud Derlaye† ·ij. Non. Decemb. A.D. 1331, lf 19.

On leaf 20 begins a list of Charters concerning the Bishop of Norwich, written no doubt in or after 1337.

(25) Carte plures concesse Episcopo Norwytens.

Carte Willi Regis Angl. (three), Henr. Regis primi (eight), Henr. II. (one), Ricardi (one), Johannis (two), Henr. III. (five), Regis Edwardi fil' Regis Henr' (nine).

(26) ¶ Nomina Episcoporum Nortwycens'.

¶ Post aduentum Normannorum in Angliam temporibus Will'i Rufi et Henr' fratris eius Regum Angl'. Herbertus de Losynga monachus et subprior Fiscamn', deinde abbas de Rameseye, postea Episcopus de Estengle, que nunc Norwyc' dyocesis (∧ dicitur), Anno pontificatus sui

vicesimo nono ·xj· kalend' Augusti, obiit et coram altari magno sepultus est, lf 21.

Fourteen other Bishops of Norwich are named. Then at the foot of lf 21ª follows in the coarser directing hand which supplies several headings and notes in the book, and must, I think, be the writing of A. Beek himself (after the neat opening "Antonius Beek doctor in theologia. Decanus Lincolñ et Electus in Episcopum eiusdem")— Episcopus Nortwyc' consecratus est 16 eciam post translacionem sedis. Et Thomas frater eius Junior 16 Lincolñ[1].

Leaf 22ª is blank. On 22ᵇ begin,

(27) Libertates de Northelmham. Manerium de Northelmham fuit Antiquo tempore sedes Episcopalis, &c.... (This is resumed and concluded on lf 26ª.)

Sheet *d*. A 6-leaf quire with nos 4 and 5 cut out. It begins near the end of (28) a papal bull (apparently 'de Visitacione') 'Dat' Lateranens'. x. Kal. Decembr. pontif. nostri anno primo, lf 23ª. After which follows on the same page,

(29) ◧ Ordinacio Rogeri olim Episcopi Lichefeld'[2] super invencione vnius capellani celebrantis missam matutinalem in Ecclesia Lincoln. (11 Feb. 1251—52.)

Roger [de Weseham] Bp of Cov. and Lich. gives to Henry [de Lexington] and his successors, deans of Lincoln,

[1] This memorandum, to the effect that Thomas Beek was 16th in order from Remigius, and that Antony was only elect at Lincoln, confirms the belief that the two entries, in the convenient list prefixed to Crockford's Clerical Directory and found elsewhere, which have a note of interrogation placed before them, ought to be struck out altogether.

[2] Roger de Weseham, Bp of Coventry and Lichfield 1245—56, had been Dean of Lincoln 1239—45. In the 15th cent. the *missa matutinalis* was a mass *for travellers*. See below p. 285. In the *Registrum Antiquissimum*, fo. 55, are two deeds (nos. 288–9) of Ysabell and Walter Tucket, of Scalleby, granting land to the Dean and Chapter of Lincoln to provide 'ad sustentacionem luminarium ad altare vbi celebratur missa de beata virgine dum pulsatur ad primam, et missa pro animabus defunctorum secundum ordinacionem factam a venerabili viro Willelmo [de Lexintoñ] quondam Lincoln. ecclesie decano.' Cf. *Laudum* of Bp Alnwick, &c. *infra* pp. 190, 284–5. The altar in question is usually called St John the Baptist's, but once or twice I find it not unnaturally styled 'B. Marie.'

certain lands in Wirkesworth, and a share in Quorendon mill, which belonged to W. de Rolleston nephew of the dean Roger de R., with land in Brampton Chesterfield, as endowment to provide a Chaplain at Lincoln 'singulis diebus missam ordine subscripto summo mane celebraturum.'

¶ Videlicet singulis diebus Dominicis, de die:
qualibet die Jouis, de Sancto Spiritu,
et omni die Sabbati, de Beata Virgine.

¶ Reliquis vero diebus omnibus, pro animabus Linc' et Couentr' et Lich' episcoporum ac Linc' ecclesie decanorum, necnon pro animabus omnium fidelium defunctorum ...Hiis testibus,

Dño Thoñ [de Wymundham] precentore
Radulpho [de Chaddesdeñ] Thesaur'
Magistris Radulpho de Laceo
Nich'o de Stanf[ord]
Hug' de Wishag'

canonicis Lich' ecclesie[1] &c. Actum apud Drenwod' ·iij· Id. Febr' Anno Dñi 1251.

(30) ¶ Libertates et Consuetudines Manerij dñi Episcopi (∧ Norwiceñ) de Northelmham a tempore quo exstat memoria vsitate ac eciam de omnibus Manerijs suis in comitatu Norff' vsitat', ut patet inferius. Thornbegg' &c. (Courts, precedents, &c.), lf 24^a—25^b.

Lf 26^a begins with continuation from 22^b. Then

(32) Inquisicio facta per Rob. de Bai, Joh' atte Gore, Alex. Oldman &c. (31) At the top of the leaf A. Beek has written Concordancie Mat de Vrsinis cardinal' tituli S. Johannis et Pauli et incipiunt gener' ¶ de Abstinencia vbi Aug*ustinus* quod in arca Noe non comedere*tur* caro, et in fine de ipocrisi—s3 vltimum *de Lamia.* ¶ Concordancie Carmelitarum edite a fratre Joh' de Herfordia minore, et incipit per ·*Aaron*· / et terminatur per ·*zelus Dei*·

These notes perhaps formed the conclusion of a list of books of which the remainder has been cut away at some

[1] The roll of prebendaries of Lichfield does not reach back quite far enough to enable us to identify the canons here named.

time when the possessor used the volume as a common-place-book on reading.

Lf 26^{b} shows signs of use while Beek was still at Lincoln. In the centre of the page he has written (33) ¶ Memorandum quod crastino sancti Joh' baptiste. Anno Dñi m°.ccc°. tricesimo sexto fuerat Antonius Bekke magister artium 26 annis · presbiter · 34 · / doctor theologie viginti duobus annis / Decanus Lincolñ. septem Annis et vltra.

This was probably written June 25th 1336, and he was consecrated Bp of Norwich about nine months later. Probably within that period it was that, the proceedings in an appeal against the Canons of Lincoln being still pending, he filled up the page above and below this note with memoranda relating to their ligitation, which he bequeathed to his successors in the Deanery:—

(34) Testes producti per A[ntonium de Bekk] decanum.
Adam de Langeton rector de Ketelsbi iuxta Borewelle.
Dñs Rob. de Luda *rector de Beningworth.*
Johannẽ de Halle *canonicũ Derbeye.*
Magrm̃ Willelmũ Costard *notarium pupplicum.*
Dñs Joh' Loundray.
T. Beek' . . [preb. of Clifton 1332; Bp of Linc. 1342—47].
W. Bayons.
T. de Ledenham.
W. de Waltham.
J. de Kibevorth.
R. de Rothewelle.
Hugo de Notingham.
Philippus de Kima.
Rob. de Botelstan.
Wilelmus de Donigton.
Rob. Belle.

¶ Testes producti ex parte Capituli:—
Joh. de Harington [preb. of Carlton Kyme cum Dalby 1387].

Egidius de Redmer [preb. of All SS. in Hungate, 1316—44].
Joh'. de Sotton—canonici [preb. of Thorngate, 1331].
Wilelmus Bayons.
Joh. de Brentinghã *sacrista.*
Joh. de Empingham *vicarius.*
Wilelmus de Brentingham *vicarius.*
Alanus de Norton.
Alexandrũ de Trikingham.
Wilelmus de Waynflet.

After the memorandum above mentioned a further list is added:

(35) *Pro decano.*
Ricardus de Hiltoft.
Wilelmus de Kirkebi.
Rogerus de Freston.
Thomas de Appelbi.
Rob. de Pontefract'.
Henricus Faune.
Joh. de Gatesbi.
Joh. de Kirkebi.
Joh. de Rattewelle.
Joh. de Ren(t)halle.
Ranulfus Quarynt'.

Pro Capitulo.
Walterus de Maydenstañ.
Willelmũ Bacheler.
Ricardũ de Karleton.
Adam de Walkote.
Joh. de Gatesbi.
Joh. de Mumbi.
Wilelmus Walcote ?
Radulfus de Strvbi.
Rob. de Luda.
? de Harberton ?

(One or two names in the bottom margin now quite illegible.)

Sheet *e* originally an 8-leaf quire, but 1—4 are cut out. Then lf 27 is blank, not ruled on either side.

(36) [Composicio facta inter ecclesias Cant*uar* et Lincoln̄.] Littera dn̄i Archiepiscopi super visitacione tempore vacacionis [sedis Lincoln̄].

In nomine Dn̄i Amen. Per presens publicum instrumentum omnibus appareat euidenter quod viso Registro siue consuetudinario Capituli ecclesie Linc' quo, inter cetera contenta in eodem, continetur et inseritur tenor cuiusdam composicionis decisionis siue diffinicionis facte apud Lambeth inter ven. patrem dn̄m Bonifacium tunc Cantuar. archiep. Anglie primatem et Reu. viros Rob. de Mariscis tunc decanum et Capitulum ecclesie Linc' occasione cuiusdam dissensionis seu discordie mote inter eos super iurediccione Episcopali, sede episcopali Linc' vacante, cuius tenoris† tenor talis est

[22 May, 1261.]

℔ Vniuersis sancte matris &c. ℔ Yma summis reconcilians inter se†... sigilli sui munimine Roborarunt (as in the *Black Book* pp. 311—315), lf 28.

† 'in se reconcilians': *Lib. Niger.*

Tres sentencie late in Curia Romana pro Decano.

These decisions in the Court of Rome relate to an appeal in a case brought against the Canons of Lincoln by Ant. Beek ex-dean and William Bateman, de Norwich, dean of Lincoln.

[A.D. 1340, 1341.]

(37) Copia prime sentencie. (On the Right of Visitation.) lf 30. (See below, p. 236.)

(38) Copia sentencie secunde cause. (On the Right of appointing Vicars and Altar-keepers.) P. de Talliato, papal auditor. lf 30^{b}. (See below, p. 237.)

Sheet *f*, originally a 2-leaf quire which, being found insufficient, was made up to 3 leaves, numbered 31, 31 *bis*, 32. These contain

(39) Vltima sentencia finalis et diffinitiua inter Decanum et Capitulum super visitacione eius. (Decision of Peter Fabri, auditor, on appeal, June 20, 1341.) P. 238.

Attestation of Durand de Serris, notary, lf 32.

At the end: 'Libellus Capituli.'

Then in a smaller hand-writing (40) another document about the same appeal is inserted: with a note on 'Citacio' from some authority of Canon Law.

The documents of this appeal (nos. 37—40) are printed below, pp. 236—243.

(finis.)

Some other documents relating to Ant. Beek will be found in D. ii. 63, box 1. Also a portion of his register, cir. 1341—43, is in portfolio A. 2. 12.

John de Schalby's Book.

Liber Johannis de Schalby, ecclesie Lincolñ canonici, de Episcopis Lincolniensibus et gestis eorum, A.D. 1086—1333, qui et 'Martilogium' olim vocitabatur. (Muniments of the Dean and Chapter A. 2. 3.) A parchment volume bound in rough calf and lettered in ink, in the sixteenth century, 'Martilogium.'

John de Schalby cir. 1282—99 (for the greater part of this prelate's episcopate) was domestic registrar to Bishop Oliver Sutton, who shortly before his death collated him to the prebend of Bedford Major, 11 Oct. 1299. In 1301 he was transferred to the stall of Welton Beckhall by John de Dalderby, and in 1305 to Newport with Dunholme, which he held till his death in 1333[1].

He wrote about 1330—33 his account of the Bishops of Lincoln which Mr Dimock has edited, but from a MS. which lacked Schalby's own *rubricellæ*.

He dedicates his brief memoirs of the Bishops to 'Cathedralis ecclesie Lincoln fidelibus vniversis.'

(See *Statutes* i. 91—95.) '*D.*', i.e. Dimock's Giraldus Cambrensis vii., appendix E, p. 193.

(1) ¶ De Prima Fundacione Ecclesie Lincoln.

(2) ¶ De Roberto Bluet et actis eius. He gave ornaments to the church, and raised the number of prebends from 21 to 42. (Documents, which ought

[1] J. de Athon, the legatine glossator, held a papal provision for this canonry in 1329, but was collated to Welton Ryval (c. 1331–51) instead.

however to have been attributed to Robert de Chesney, omitted in Dimock's copy, are printed in *Black Book*, pp. 309, 310.) lf. 1[b], 2[a].

(3) ¶ De Alexandro. (A later hand notes in the margin that Bp Alexander 'erexit castell de Banburye, Newarke, et Sleford.' He restored the Minster after a fire, and gave it a stone vaulted roof.)

(4) ¶ De Roberto Cheynet Episcopo et gestis eius. In the last paragraph of this little memoir Dimock's copy reads 'per detestabiles abusus...vsurpata.' In Schalby's copy the writing here is indistinct; but it might rather be 'per exiciales.'

(5) ¶ De Galfrido electo et gestis eius. Geoffrey Plantagenet, son of K. Henry II. [and Rosamund], and archdeacon of Lincoln, gave two great bells to the church. He redeemed from Aaron the Jew the ornaments which Bp Chesney had pawned for 300*l.*

(6) ¶ De Waltero de Constancijs et gestis eius. (He is called 'prudens plurimum et discretus' in this MS. lf. 2[b].)

(7) ¶ De (∧ sancto *interlin.*) Hugone et gestis eius. By arrangement with K. Richard, St Hugh freed his successors from the gift of a costly pall of sables which Ro. Bloet had begun and other bishops of Lincoln after him had continued giving to the king. (Schalby has written 'celestis loci premium ac sanctorum cathalogo' and 'Eynesham, q*uoniam*.' Cf. *D.* p. 199.)

The document 'De visitacione ecclesie a singulis semel in anno,' as it is called by a later hand in the margin, is printed in *Black Book*, pp. 307—8. *D.* also gives it, and I gather that his authority took it not from Schalby, but from *Liber Niger* direct.

De libertate concessa Canonicis. (*Black Book*, pp. 308—9.) lf. 3[a]. De alia libertate (*ibid.* p. 309).

(8) ¶ 'De Willelmo Bleynes et gestis eius.' (This heading is underlined with red, and the handwriting changes at the top of lf. 3[b] in the middle of a sentence. Subsequent headings in the volume are written in red.)

The memoir of W. of Blois relates the miraculous discovery of fresh wine being found in the chalice buried with him, and his body incorrupt, when architectural improvements were in progress a century after his death (*'Nota miraculum'* the margin says). Also how his chastity affected a Parisian dame, who decoyed him to her house.

(9) ¶ *De Hugone de Welles*[1]. (He completed the Bishop's Hall, which St Hugh had begun, and the kitchen, 'et plura alia bona fecit.')

[The following documents of the time of Bp Hugh de Welles, though not preserved by Schalby, have, I think, a special interest.

They are entered in the early part of the *Registrum Antiquissimum.*

I.

Ordinacio cantarie Hugonis de Welles episcopi. (For three Chaplains, Priest, Deacon, and Subdeacon, being vicars choral.)

fo. 40. Carta eiusdem H., de ecclesiis de Rysum[2], Paxtoñ · et Carletoñ.

... Et hii omnes [capellani] vespertinum ac matutinum officium mortuorum cum commendacione tamquam pro corpore presenti, pro nobis, in loco deputato ad hoc, in profestis diebus ante uesperas. In festis eciam post uel ante, cum commodius poterint et melius sine dampno uel nocumento seruicii ecclesie, simul in perpetuum decantabunt.

Predictus uero sacerdos principalis missam pro nobis specialiter, et pro cunctis fidelibus defunctis, singulis diebus, priusquam Canonici ingrediantur chorum ad primam, cum diacono et subdiacono indutis albis et

[1] Schalby in the memoir of Hugh de Wells calls him 'Regis Anglie Cancellarius,' which Dimock suspected to be a mistake for 'Clericus.' In the same sentence *S.* reads 'creditur' (for 'traditur' *D.* p. 204).

[2] '*Rysum*': This is still the local pronunciation of 'Riseholme,' three miles north of Lincoln, where until 1885 was the residence of Bishops of Lincoln after Bp Kaye left Buckden or Bugden Manor in Huntingdonshire.

seric', celebrabit et cum sollempnitate · tanquam pro corpore presenti.

Secundus: pro animabus Regum et aliorum patronorum ecclesie nostre · predecessorum nostrorum, patrum et matrum, parentum et amicorum, et benefactorum nostrorum · et eiusdem ecclesie nostre et omnium fidelium defunctorum, cum oracione speciali pro nobis, et cum cantu si voluerit.

Tercius eciam pro Canonicis, fratribus et sororibus ecclesie nostre Linc', et pro cunctis fidelibus defunctis.

Et hii duo singulis diebus celebrabunt ante primam, uel post: cum commodius poterunt, et vni seruiet diaconus, et alij subdiaconus prenotati.

(*Dated:* xvij. Kal. Sept. pontificatus nostri ann° xij°. i.e. 1221.)

II.

The other charter (no. 226 in the Register) under the head of '*Hugo epš Linc̄ secundo*' i.e. as distinguished from (St) Hugh I. has a special interest as connected with the early history of the University of Oxford. Three or four days after I had transcribed it, I received a copy of Mr Hastings Rashdall's delightful volumes on '*the Universities of Europe.*' In vol. II. part ii. p. 350, he tells us how in 1219 the annual fine of 42*s.* which the town of Oxford was condemned to pay was 'transferred by an agreement with the town to the Abbat and Convent of Eynsham (*Munim. Acad.* p. 4 sq.). He cites (p. 351) from 'Archives (W. P.—P. xii. 1)' a clause which is very similar to what we find registered at Lincoln, but in the latter case the document proceeds from the Abbat and Convent. It is therefore one of the earliest instances in which the official title of *Chancellor of Oxford* is used.

* *Reg. Antiquiss. Linc.* fo. 41.

**Carta abbatis de Eynsham pro suspendio Clericorum*[1] *apud Oxoñ.*

[1] On the '*Suspendium clericorum* of 1209,' to which Mr Rashdall is not unwilling to attribute the origin of our *Studium Generale* at Cambridge, see his *Universities*, II. part ii. p. 348.—Soul of Pythagoras!

Omnibus Christi fidelibus ad quos presens scriptum peruenerit. A · Dei gracia Abbas Eyneshañ · et eiusdem loci conuentus salutem in Domino. Nouerit vniuersitas uestra quod cum Burgenses Oxoñ pro *sus*pendio clericorum mandatis ecclesie per omnia stare iurassent ⁝ secundum statutum venerabilis patris Dñi Nichol' Tuscul' episcopi · apostolice sedis legati · et eis ab eodem inter cetera fuisset iniunctum, quod quinquaginta sol' et duos sol' annuatim imperpetuum in usus pauperum scolarium dispensandos de consilio venerabilis patris Hugonis tunc Episcopi Linc' et successorum suorum · uel archidiac' loci · seu eius official' · aut cancellar' · quem Episcopus Linc' scolaribus ibidem preficiet. Ita scilicet quod viginti sex solidi soluentur annuatim in festo omnium Sanctorum et viginti sex sol' in Capite Jeiunij;

Preter hec quod Centum pauperes scolares die sc̃i Nicholai singulis annis pascent imperpetuum · Quos Episcopus Linc' uel archidiac' loci seu eius officialis, aut ipse Cancellarius, uel alius ad hoc ab episcopo Linc deputatus, prouiderit. Istud onus in nos suscepimus singulis annis perpetuo faciend' ⁝ secundum formam premissam. Ita tamen quod ad Centum pauperes clericos in die S. Nicholai pascendos, eodem die sexdecim sol' et octo denarios dabimus annuatim inter ipsos, qui inde pascendi fuerint, distribuendos · vt singuli singulos duos denarios accipiant per man*us* eorum quos Episcopus Linc' ad hoc assignauerit. Ad hoc autem nos Episcopo et ecclesie Linc. per Cartam nostrum † presentem obligauimus inperpetuum · et presenti scripto sigilla nostra apposuimus Teste Capitulo.]

We return now to Schalby's memoirs:—

(10) ¶ *De Roberto Groceseste† Episcopo et gestis eius.* We give a passage as it stands in the MS.

Shades of Cantaber and K. Arthur, to think that your University should in these days be attributed to a 'town and gown' affray at Oxford in the 13th century!

'hic fuit eminenti preditus[1] sciencia literarum et doctor theologie famosus cuius opiniones quam autentice a theologis[2] reputantur.

'Hic personaliter interfuit consilio† Lugd' sub Innocencio quarto ('summo' *erased*) pontifice celebrato, in quo depositus fuit ab imperio Fredericus.

'Hic missus per ('papam' *erased*) predicare, officium predicatoris, ad quem pertinet[3] delinquentes arguere, sic impleuit quod, nedum ('summum' *erased*) pontificem, set et Curiales super multis arguere non expauit, cuius pretextu indignacionem meruit non modicam eorundem.'

'Hic litem contra capitulum suum Linc' super iure visitandi idem Capitulum ac prebendas exteriores · prebendis interioribus annexis · ecclesias de comuna alijsque pluribus articulis in Romana Curia optinebat et sentenciam reportauit sub que in litteris continentur ('pape' *erased*) quarum tenor noscitur esse talis.

* lf 4ª. **De sentencia lata inter dictum Robertum et Capitulum in Curia Romana.* (Printed in *Black Book*, pp. 315, line 22,—319.)

'Sic zelum feruentissimum huius ad procurandum salutem animarum in sua diocesi et hoc in pontificis officij execucione solicita ostendere non cessauit, et sic in defencion[4] libertatis ecclesiastice murum pro domo Domini se opposuit · quod Episcopi nomen recte sibi competere comprobauit. Cumque hijs et alijs meritis generosis pius Episcopus hic fulgeret[5]: decidit in egritudinem, qua ab hac luce subtractus vj. Idus Octob' Anno Dñi Millesimo ·cc^mo lij°.† ad gaudia transijt, vt pie creditur, angelorum.'

(In the next paragraph Schalby's scribe has written 'litteris regalibus,' where *D.* p. 206 prints 'regularibus.')

'In archiuis (∧ supradicti *interlin.*) dicti viri reperte fuerunt post ipsius obitum plures bulle quas pro iuris episcopalis munimine impetrauerat, inter quas vna bulla ('reparata' *corr. to*) reperta fuit sub continencia infrascripta.

† leg. '*ab.*' *De procuracionibus ac† ecclesijs parochialibus non prestandis Archiepiscopo visitanti.*

[1] 'præclarus' *D.*

[2] 'theologia' *D.* (*paucis insuper omissis*)

[3] 'Hic missus prædicare, prædicationis officium ad quem pertinuit' *D.*

[4] 'dilectione' *D.*

[5] 'fulguit' *D.*

†'MCCLIII.' is the year given by *D.* who also reads simply 'ad gaudia sanctorum transivit.'

Innocencius &c. (Printed, *Black Book*, p. 323.) ('Nota quod Archiepiscopus non recipiet procuraciones pro visitacione cleri.' *margin.*)

(11) *De Henrico de Lexintoñ Episcopo.* (*D.* p. 206.)

(12) *De Ricardo at Graueshende.* (*D.* p. 207.) He enriched the Church and See with advowsons, ornaments, images, and vestments. For his care for the choristers, see pp. 162, 362.

De composicione inita inter Archiepiscopum Cantuar' super exercicio iurisdiccionis sede vacante.

Universis &c. Bonefacius &c. (Printed, *Black Book*, pp. 311—315.)

(13) **De Episcopo Oliuero de Suttun et gestis eius.* (Schalby says that he was consecrated on the feast of St Dunstan, *prox' sequente*, not 'Augustini prosequente,' as *D.* p. 208. A marginal note adds of his predecessor: 'Obijt autem dictus Ricardus ·xv· Kal. Januarij A.D. 1279° plenus bonorum operum et dierum.')

* Martilo. (A. 2. 3.) lf. 6. li. 26.

De augmentacione (∧ 'commune' interlin.) *et translacione ecclesie beate Marie Magdalene*[1]. (*D.* p. 209.)

[1] The *Registrum Antiquissimum* under its 'viii. titulus, *De Patronatibus*. H.' supplies some important information concerning St Mary Magdalen's, and gives a list of the altars which were in the Minster about 1290—1320. (Fo. 211[b] art. 1006.)

Sĉe Marie Magdalene.

Capella de Magdalena que aliquando fuit (∧ altare) intra ecclesiam, et postea per ordinacionem dñi O[liueri de Suttoñ] episcopi et Capituli extra ecclesiam in atrio (∧ est) collocata, pro quiete chori et securitate ecclesie, ac parochianorum faciliori pro diuinis tempore necessitatis et alias:

ad id collacio (∧ sicut ceterorum altarium) spectat ad decanum et capitulum, alicui vicario de ecclesia quociens vacauerit absque presentacione facienda, ab aliquo.

Que eciam habet populum parochialem in castro Bugg'holm̃, et infra limites vsitatas. Cuius rector habet iurisdiccionem ordinariam de parochianis ex consuetudine approbata • et est (∧ cum plebe suo) a subiecc̃ione archidiaconorum Linc' et eorum official' exempt*us*. Decanus tamen et capitulum visitare debet ips*um* et parochianos, quociens viderit oportunum. [Schalby mentions (lf 1[b]) that when the Bishop visited the parishioners of St Mary Magd. he exercised jurisdiction in the way of correction through the Dean and Chapter. This accounts for the entries

[Schalby tells us that the daily 'commons' (*communa*) of the Canons had been 8*d.*, but that in the time of Oliver

relating to that parish in Bp Grey and Bp Alnwick's time. See below, pp. 415, 469.]

¶ De altaribus alijs infra ecclesiam, scilicet sanctorum:—

(1) Michaelis, (2) Andree, (3) Dionisij, (4) Hugonis, (5) Katerine, (6) Johannis baptiste, (7) Nicholai, (8) Apostolorum Petri et Pauli, (9) Stephani, (10) Gu[th]laci, (11) Johannis euangeliste, (12) Thome martiris, et (13) Egidij:

infra patet ad finem libri sub titulo de altaribus et altaristis.

[Unfortunately the promised section of Altars and Altarists either was never added at the end of this bulky register, or else has been removed; for it can no longer be found. However the list, meagre as it is, is full of interest. Bradshaw, who attributes the bulk of the *Registrum Antiquissimum* to a scribe cir. 1209—1216, detects in the memorandum by the rubricator here, the same hand which has *rubricated* the *Liber Niger* cir. 1338. The Lincoln altars named in the will of Ri. de Beverley, preb. of Lydington, 21 Sept. (proved 14 Nov.) 1390, bequeathing candles to them, bear out the ideas that I had formed after some patient study that some of the identifications in our otherwise excellent guide-books were in some particulars misleading. His gifts are in the following order, which is practically identical with that given just above nearly a century earlier: to the altars of St (1) Michael, (2) Andrew, (3) Dionisius, ... (5) Katharine, (6) John Bapt., (7) Nicholas, (8) Peter, ... [10*] *Anne*, (11) John Evang., (12) Thomas. And to the Keepers of St Hugh's Tomb, 6*d.* each, cf. (4). See *Early Lincoln Wills*, ed. A. Gibbons, p. 33. The will of J. Cotes of Tevelby, preb. of Thorngate in 1433 (*ibid.* p. 158), mentions the newer altar of [15] St *Christopher* (which we know to have been in the nave) and nos. (6), (5), (11) and (12) with the *image* of St Thomas M., the last-named, in his chapel. I am inclined (tentatively) to place the altars in it as numbered above in the following order round the Minster.

(*a*) St Mary Magdalen's in the N.W. of the nave.

Nos. 1, 2, 3 in the great north aisle or transept; no. 4 in the smaller apsidal chapel in the N.E. transept. (I suppose that the translation of St Hugh's relicks in 1280 may have left the other apsidal chapel without an altar.)

Nos. 5, 6, 7 in the angel choir or retro-choir at the extreme east (behind the high altar of our Lady). (No. 8, for 'Chapter MSS.')

Nos. 8, 9 in the apsidal chapel in the S.E. transept.

Nos. 10, 11, 12 in the great south aisle or transept. (Mr Maddison tells me that the place of W. Shipton's 1465 in no. 11 so far confirms my interpretation.) And

No. 13 probably in the S.W. of the nave. (Cf. no. 22, below.)

In earlier or later times we find that there were other altars named as being in the Minster:

(10*). St Anne's altar in the N. aisle cir. 1385; perhaps the same as was called at one time St Guthlac's and at another St Edward's. The

Sutton it was raised to 12*d.* Our MS. has the singular 'communa...extenderat...aucta fuit,' where in Dimock's edition, from another copy, there are plurals.

feast of St Anne, in accordance with a bull of Urban VI., was enjoined on the Province of Canterbury by Abp W. Courtney in 1383. (Wilkins, *Conc.* iii. 178.)

14. St Blaise's altar, in Bp Russell's chapel, cir. 1495.

15. St Christopher's in the nave, mentioned in 1492. His altar is mentioned also in 1433 and 1535. His *image*, &c. cir. 1399. 'The northe yle unto the ymage of St Christopher, 1536.'

(10**) Edward the Martyr. Probably the name borne temporarily cir. 1350 by the Works' chantry altar.

16. St George's altar, or chapel, is mentioned in 1457, 1531. In St George's chapel, as Mr Maddison says, was Dean Mackworth's chantry: and he was buried under the S.E. arch of the nave.

17. The 'Irons.' The chantry of Kath. Swynford (10 May, 1403) and her daughter Joan of Westmoreland (13 Nov. 1440) on the southern verge of the choir, with an iron grille.

18. St James. A chapel with this dedication is named in 1441. As this was near a staircase at the west end of the church near a pinnacle (*infra*, p. 480), Mr Maddison suggests, with great probability, that this is under the N.W. belfry, near St Mary Magdalen's, and under 'the Swineherd of Stow.'

19. St Lucy's altar was named in accounts of 1294.

20. Peel altar, probably under the S.W. tower. I think this was a popular name (*altare vocatum* 'le pele') for the second altar of St Hugh (at the S.W. end of the nave), used to distinguish it from one of the apsidal chapels in the N.E. transept near the place where St Hugh's remains were originally laid, and where his principal relic (*caput S. Hugonis*) was preserved. We see from Canon C. M. Church's account of Wells that there were two altars of St Andrew in that church, *four* of St Mary, and at least *two* of Holy Rood. *Early Hist. of Wells Cath.* pp. 419–20; 286, 324. So I do not think it quite impossible that, when St Hugh's shrine as shown stood in the Angel Choir 'on the backe syde of the highe aulter neare unto (Sanderson adds 'north of') Dalyson's tombe,' his body having been translated thither in 1280, he may have had yet a third altar to his memory in the Angel Choir itself. We read in the Louth Park Chronicle that 'the altar of St Hugh' was consecrated (I suppose the chronicler means at Lincoln which he had just mentioned, p. 16), on 15 July, 1255. Mr Maddison tells me that he finds mention of the '*altar* and feretory of St Hugh' as if they were close together. I may mention further that the Cotton MS. Tiberius E. iii. in the British Museum, in 1545 speaks of the Buckyngham Chantry as being 'ad altare S. Hugonis et S. Katerine:' some services at one, some at the other.

21. The Rood altar (Sanctæ Crucis) under the lantern, either on the screen over the door, or before the entrance of the choir.

22. St Sebastian's mentioned in 1514 in Bp Smyth's will. This

Schalby had mentioned that Remigius erected his Cathedral Church in the place 'in quo ecclesia S. Marie Magdalene in ballio Linc' sita erat,' and that a certain presbyter was deputed by the Dean and Chapter to minister sacraments and sacramentals to the parishioners 'in certo loco ipsius ecclesie Cathedralis.' That their children were baptized 'in fonte Cathedralis ecclesie' (he adds in the present context that this was at the West), and that the said priest performed their burials in the Minster cemetery. He had ordinary jurisdiction committed to him, not from the Bishop, but from the Dean and Chapter, who also were Visitors of the parish when the see was vacant. Schalby now narrates how in the time of Bp Sutton the new church of St Mary Magdalen was built in the Cathedral Yard (atrio), but the old right of baptism and burial at the Minster was continued, as the quiet of the ordinary cathedral services was the main object of the change. He adds that Bp Sutton contributed 50 marcs to building the Cloister, and that he obtained permission from K. Edward I. to wall the Close.]

De custodia Altaris beati Petri. (Black Book, p. 347.)

Rursus mense Augusti A.D. 1293°. (ibid. pp. 347—8.)

De communi habitacione vicariorum. (ibid. p. 348.)

De Capella beate Marie Magdalene. (ibid. pp. 348—9.)

De commanencia pauperum clericorum. (ibid. p. 349.)

* lf. 8ª li. 5. *De clerico quem prior sancte Katerine &c. (ibid. p. 349.) [Near the end of the *Liber Cantariarum* (A. 1. 8), lf. 397ª, is entered, as a 15th century addition, a transcript of the early 'Confirmacio Hugonis Episcopi (i.e. St

altar gave its name to the old south-west chapel (St Giles') which was built about 1250 (now, since 1609, the consistory court for the diocese).

23. Holy Trinity (or Bp Fleming's Chapel) north of the Angel Choir, cir. 1431.

(10***). Works: A Chantry of the Fabric is said to have existed in 1320. The altar used principally by its chaplains, cir. 1500, was St Anne's (otherwhiles known, I think, as St Guthlac's, or St Edward's).

There was, cir. 1520—36, a 'Jhesus Mass'; but whether this involved a special Jesus altar I cannot say. Bp Smyth's will (1514) ordered the *Missam de Nomine Jesu* (or else one *de Quinque Vulneribus*) to be sung by the choristers and others on Fridays, before a crucifix on the south side of the church.

Hugh, cir. 1190) de prebenda de Kanuewyke, et de clerico inueniendo.' And it is there noted that in accordance with that deed the Gilbertine Prior of St Katharine presented Rob. Swaby as clerk, 1 Apr. 1440. See the reference also at the foot of p. 480 in the present work; and, for R. Swaby, the incorrigible dicer, pp. 469, 471, 481.]

(De causis diuorcij prebendis agitatis ad Capitulum *referendis pro sentencia diffinitiua ferenda.* (ibid. pp. 349, 350.)

(Death of Bp Sutton on St Brice's day 1299. His confessor said to J. de Schalby 'non possum negare quia iustissimus[1], constantissimus, et mundissimus homo fuit.') *D.* p. 212[2].

(14) *De Johanne de Dalderby Episcopo.* Elected 'iij' Idus Junij. ('ij Idus Junii' *D.* p. 212.) He gave to the Vicars' fabric fund 5 marcs, 66*s.* 8*d.*, from Normanby, and ?... marc from Rushden.

De vnione ecclesie Omnium Sanctorum[3] *cum Capella beate Marie Magdalene.* (lf. 8[b].) 9 Jan., 1317[4].

[1] Schalby tells how Bp Sutton directed that the fines which the Bishop levied from adulterers and other offenders should be given by the persons convicted to mendicant friars, poor nuns, and to the poor of the parishes where the offences were committed, and that Rural Deans should see that this was carried out. Matt. Parker, when Dean of Lincoln, made a memorandum that, among dues to the Dean from the manor of Parva Cestria, according to a document of A.D. 1310, was '5*s.* 4*d.* de qualibet muliere corrupta per stuprum de bondis suis, si velit.' (MS. A. 2. 6, *in fine.*) Schalby adds that Bp Sutton showed consideration to the serfs, *nativi*, and poor folk on his manors.

[2] Documents relating to the funeral of Bp Sutton, the fees paid by him on his appointment as bishop, and the process received (from Chichester) for the election of a bishop will be found given below in this Introduction from the *Registrum Lincoln. Antiquissimum.*

[3] All Saints' Church in the Bail was attached to the Chancellorship. See the privilege of Rob. de Chesney, cir. 1160—65. *Black Book*, p. 310. Bp J. de Dalderby, on uniting this poor parish with that of St Mary Magdalen, in 1317, removed the parishioners (in *Spirituals* only) from the jurisdiction of the Chancellor to that of the Dean and Chapter, to whom those of St M. Magd. were subject 'tam in foro penitenciali quam iurisdiccionali.' The Chancellor was to have every third turn of the joint patronage. Bp Dalderby secured to the 'Poor Clerks' at Lincoln 2 marcs a year from two Gilbertine monasteries.

[4] I suppose this may mean 1316—17. In one instance at least

Quod illi de ecclesia extraneis preferantur. [This section, which is not in Dimock's edition, shall be given in full.]

Quod illi de ecclesia extraneis preferantur.

SIC visitacione in ecclesia Linc' quadam die per ipsum facta et completa, misit decano et Capitulo correccionis sue literas iuxta morem.

In quibus inter cetera continebatur quedam clausula que est talis,

Preterea in collacione cantariarum ecclesie non attendatur fauor indebitus et procuraciones clandestine contra honorem ecclesie · vt ipse minus ydoneis et extraneis conferantur · sed preferantur in collacione huiusmodi illi de ecclesia iuxta eorum mores, et iuxta quod retroactis temporibus sustinuerunt in ecclesia pondus diei et estus.

Hic pro defencione matris ecclesie sue habuit, tam in romana Curia quam in Anglia, plures lites, et omnes ad honorem ecclesie sue ante ipsius obitum quieuerunt · inter quas lis vna quam habuit contra Archiepiscopum Cantuar' quieuit per viam concordie sub hac forma.

[8 Jan. 1319.]

Composicio inita cum Cantuar' Archiepiscopo super insinuacione testamentorum. lf. 9a–b (This last is printed, *Black Book*, pp. 324—5.)

[? 1291.] *De Altari sancti Petri.* (Black Book, pp. 325—6.)

[1300.] Item prout patet...per Stretton (*ibid.* pp. 326—7).

¶ Item per instrumentum...quacumque (*ibid.* pp. 327—330).

* fol. 11a line 15.

* *De contencione super exercicio iurisdiccionis.*

HVIVS tempore super exercicio iurisdiccionis in ecclesia Linc' inter Magistrum Rogerum de Mortiuall' tunc Decanum ecclesie Linc' et quosdam de Capitulo eiusdem ecclesie se pro defencione iurium et libertatum eiusdem Capituli optinentes[1] magna discensionis materia orta fuit,

J. de Schalby's book (lf 10a) gives 'nonagesimo primo' as equivalent to the 'nonagesimo' of the Black Book in the month of January.

[1] se...optinentes: used here, apparently, in the sense of 'se offerentes' or 'opponentes.'

pro cuius cedacione† dominus Johannes Episcopus multum laborauit et tandem in se admisit submissionem in se factam per decanum et Capitulum sub hac forma.

De submissione facta in Episcopum.

VENERABILI in Christo patri ac† Domino &c. (*Black Book*, pp. 340—343, line 2.)

Constitutisque coram eo vicibus repetitis Decano et Capitulo memoratis · dictus Decanus pro se exhibuit quendam librum quem registrum Capituli appellauit qui sic incipit.

Registrum quod dicitur nouum cuius auctor ignoratur.

De dignitate Episcopi.

Dignitas Episcopi est in Choro Capitulo et alijs locis &c. (*Black Book*, pp. 273—307, cf. p. 93.)

Allegacio Decani.

HVIVS libri titulum qui dicitur 'de officio Decani,' et alibi, vbi tractatur de custodia vacancium prebendarum et audicione confessionum, pro se facere pretendebat.

Asseruit et se esse electum et confirmatum, et per consequens iurisdiccionem sibi esse commissam de iure. extra de officio ordinar' · c · 'cum ecclesiarum prelatis[1].'

Et quod Canonici singulariter sibi, ut superiori suo, obedienciam repromittunt.

[1] [*Decret. Greg.* lib. I. tit. xxxi. c. 3.]

Ex parte vero opponencium exhibitus fuit liber antiquus in quo inter cetera scriptum erat,

Registrum vetus.

*H*ec sunt dignitates consuetudines et libertates ecclesie Linc' vi[delicet quod Dominus] Episcopus quociens aliquem personatum &c. (*Printed below*, pp. 138—142.)

**Allegaciones opponencium contra Decanum.* leaf 20, line 17.

PROPOSITE et fuerunt (∧ quedam *add. marg.*) raciones quibus dicti opponentes asstruere† nitebantur exercicium iurisdiccionis esse commune et ad iura per Decanum allegata responderunt · quorum responsiones fuerunt tales.

DE iure communi[1], ius Capitulare facientibus Capitulum est commune [2]de iure[2].

[2] The words 'de iure' are struck out; and a later hand adds at the foot of the page, "Set iurisdiccio radicaliter residet in capitulo. Iurisdiccio igitur facientibus capitulum est communis de iure."

Quod resideat in Capitulo patet, quia secundum dominum Hostiensem[3]. Capitulum habet iurisdiccionem a iure,

[1] Dr F. W. Maitland, Downing Professor of Law at Cambridge, kindly furnishes the following comment on the expression '*De iure communi*,' which occurs in our text.

"I do not think that there is any allusion here to 'the common law,' if thereby is meant the traditional law of the English temporal courts. For one thing, I can not conceive that circ. 1330 those courts would have had any opinion about these purely ecclesiastical matters. In the mouths of the canonists the term *ius commune* stood for the general law of the universal church, as contrasted with the special law of any national, provincial or diocesan church.

"Thus at the beginning of their pleading the Canons profess their willingness to rest their case either on the *ius commune* or on the special laws and customs of the Church of Lincoln. Then as to the *ius commune* they refer to Hostiensis as high authority. This use of *ius commune* is quite common in the works of the canonists at least from about 1200 onwards. They conceive that there is a large mass of law that is common to the whole church, and show little favour to any local customs which vary from this law. (See the argument at the top of p. lxxxii, where the contrast is between *consuetudo* and *ius commune*.)

"In the course of cent. xiii our English (temporal) lawyers borrowed this term from the canonists. In their mouths (I mean the mouths of our temporal lawyers) *ius commune*, *commun dreit*, *commune ley* means the general traditional law of England as contrasted with local customs and royal *privilegia*. One must wait for a much later day to find 'the common law' contrasted with 'ecclesiastical law,' or 'common lawyer' contrasted with 'canonist.' I think it quite clear that in this document *ius commune* means, not English temporal law, but the law common to the whole church, for which one looks to the Decretals and the works of Italian jurists."

[3] Here Professor Maitland supplies the following comment as to the Lincoln Canons' citation from *Hostiensis*, i.e. Henry of Susa—Segusio, or Segusia,—Bp of Ostia A.D. 1261—71:—

"The reference seems to be to Hostiensis, *Summa*, titt. *Ne sede vacante aliquid innovetur*, *De his quae fiunt ab Episcopo sine consensu capituli* (ed. Venetiis, 1605, col. 898—907). Hostiensis there deals with the matters which are here under discussion, but the exact words that are used above have not been found.

"It seems to me that the Canons of Lincoln are relying in a general way on the authority of the great lawyer and are hardly professing to give his very words. In the titles to which I have referred above there are several sentences which are favourable to their contention; but I

et de iure per illud sede vacante exercetur, et sede plena sine ipsius Capituli consilio vel consensu nequit per Episcopum excerceri nec sine consensu Capituli alienari, et sede iterum vacante redit ad Capitulum vt ad fontem //

Item de iure cautum non reperitur quid spectat ad officium decani ecclesie cathedralis a capitulo separatim: quia sede vacante Decanus subest Capitulo de iure, et Episcopo, sede plena, de consilio seu assensu Capituli iudicand*us* · vnde, nec sede vacante, nec sede plena, in Capitulum imperium vllum habet, nec in aliquos de Capitulo; quia quilibet subest capitulo sede vacante, et episcopo sede plena.

Item s*unt* tantum in vna ecclesia cathedrali Episcopus et Capitulum de iure qui faciunt vnum corpus, cuius corporis Episcopus est capud, et Capitulum membra.

Pon*er*e ergo Decanum aliud Capud, est ponere in vno corpore duo capita, quod est monstruosum, et Episcopo preiudiciale[1] //

doubt whether Hostiensis would have committed himself to a statement which makes the Chapter to be 'the fount' of episcopal jurisdiction.

"He says that *sede vacante* the *Capitulum* succeeds to such episcopal rights as concern jurisdiction 'sicut confirmare, causas audire et delegare'; also he thinks (though others think otherwise) that the *Capitulum* can absolve. Then *sede plena* the Bishop should have the counsel (not consent—he contrasts the two) of the chapter when he hears criminal causes; 'nam matrimoniales et pecuniarias solus diffinire potest.' Thus I do not think that he would have agreed with the very broad statement here made by the Canons. It is noticeable that Schalby (*leaf* 35) modifies this statement: the Bishop requires the Chapter's consent *in arduis*, their counsel *in levibus*. Even this seems to go beyond what Hostiensis says of the Bishop's power in matrimonial and pecuniary causes. If the Canons had wished to rely on any particular passage they would have been careful to give chapter and verse. It is of course very probable that Hostiensis speaks of these matters in other parts of his big book, but I think that the part to which I have referred is that in which he ought to deal with them fully."

[1] The Abp of Canterbury, however, justly says (*The Cathedral*, p. 55) that "a chapter must have two real completenesses; namely separately and in conjunction with the bishop; and hence that it has two heads 'yet is no monster,' as an old author says; because while without the bishop it is not acephalous but an organic body (*sociale corpus*), it is so in a different relation from that in which it forms the '*mysticum corpus*,'

['Vetus Registrum.']

De consuetudine ecclesie iurisdiccio huiusmodi et eius exercicium sunt communia Decano et Capitulo, quia hoc cauit expresse quidam liber antiqus,† de consuetudine

* Lf. 20b. *ecclesie recitans, qui vetus registrum appellatur[1].

Cuiusmodi consuetudines in eo scripte sunt racionabiles, et approbate a iure, secundum quod re communi communiter est vtendum; sunt approbate auctoritate Episcopali, vt patet per stilum Curie Episcopalis preteritum et presentem; sunt approbate [ment]ibus vtencium, quia ab antiquo vsitate sunt et fuerunt et modernis temporibus vsitan ... non apparet de vso ... contrario pro tempore preterito vel presenti qui sufficiat. Et in dicto libro continentur alique consuetudines que notorie obseruantur, et a tempore cuius non extat memoria non seruabantur, et que alibi quam in dicto libro non scribuntur. Item quod iurisdiccio et eius exercicium sunt communia Decano et Capitulo patet que[2] auditoris general' qui cognoscit in causis et negocijs ad cognicionem Capituli spectantibus communiter deputatur, vt patet per commissionem magistro R. de Stretton factam[3]; et vocatur 'auditor causarum capituli,' non 'Decani,' et in Registro actorum iudicialium acta coram eo habita intitulantur 'negocia capituli.'

[2] [*forsan 'commissione.'*]

[3] [Ric. de Stretton, as Keeper of St Peter's Altar, 10 Jan. 1291. See *Lib. Nig.* pp. 265, 326.]

(*De preposito*).

Item quia prepositus communiter deputatur, vt patet per commissionem dicti magistri Ric.[4]

Item prepositus facit circuitum bis in anno per ecclesias de communia, et nomine Capituli tenet capitula in eisdem,

of which the bishop is the head. He is 'Principale Caput,' while the dean, provost, or other, is 'Caput Numerale.'"—See De Bouix, *Tractatus de Capitulis* (Paris, 1852) P. I. § ii. c. 2, *De Duplici Capite*. In the 14th cent. Exeter *Ordinale*, Parker MS. C.C.C.C. 93, lf 112b, not yet in print, the phrase occurs, "episcopus uero, uel *eius uicarius*, id est *Decanus*," respecting Divine Service.

[1] *Vetus Registrum*:—The Customs ('*Dignitates, Libertates et Consuetudines*') of 1214, or Canons' Book, originally entered in the *Martilogium* of Lincoln Minster. See Bradshaw on the *Black Book*, pp. 40—44 (cf. 54, 84). This, as well as the later collection, was transcribed by Schalby. See p. 93. And by Ant. Beek. See p. 240, *ibid.* The Lincoln Customs of 1214 will be found below, pp. 137—142, in the present volume.

[4] *De preposito*:—See also below, p. 168.

et super tenentes Capituli causas audit, et corrigit corrigenda.

Item quia iurisdiccio communiter huiusmodi exercetur, Decano presente, per Decanum et Capitulum, quando placet eis in personis suis propriis causas aliquas vel negocia aliqua pertractare, eciam (∧ hoc) est notorium.

Item quia iurisdiccionem huiusmodi committunt personis singularibus in causis et negocijs *speci*alibus, Decano presente et absente, vt patet per plures[1] commissiones *speci*ales et processus habitos virtute earum, et per notorietatem.

[1] 'plrures' *ms.*

Item quando decanus abest, Capitulum per se sine eo exercet iurisdiccionem huiusmodi, et conuenit, et commissarij dati per illud continuant processus suos Decano reuerso, et sic fecerunt temporibus retroactis; vt patet de absolucione executorum testamentorum [2]Philippi Decani et magistri Thome de Perar*iis* canonici, et aliorum canonicorum plurium, et per notorietatem.

[2] [Probably Ph. Wilughby, Dean, *ob.* 20 Sep. 1305. T. de Perariis (not named by Duffus Hardy) appears in the *Black Book* as Canon and Magister Fabricæ, cir. 1284—1300.]

Item quia ea que in Capitulo iudicialiter exercentur, et execucionem exigunt literaliter, execucioni mandantur per literas communes, cuiusmodi execuciones communes processus communes presupponunt, et hoc notorium.

Item Dñs Grostest Episcopus Linc' cognicionem causarum et sequestracionem beneficiorum vacancium in ecclesia et eius membris peculiaribus, vendecando contra Decanum et Capitulum coniunctim, tanquam premissa communiter exercentes, suam instituit accionem, et ipsi coniunctim iurediccionem huiusmodi defendebant et sentenciam absolutoriam reportabant, vt patet per bullam[3] papalem continentem.

[3] 'sententiam' *probably omitted.*

Eodem eciam domino R. visitacionem Decani canonicorum et aliorum inferiorum de ecclesia vendicante, Decanus et Capitulum coniunctim visitacionem huiusmodi defendebant, et correccio[4] canonicorum fuit adiudicata capitulo.

[4] *Altered from* 'correcciones.'

Cui Decanus inest, si sit Canonicus et confrater, vt patet per bullam predictam. Cuiusmodi bullam sancte memorie dominus Oliuerus Episcopus[5] imitatus, Canonicos

[5] [Two Visitations by Oliver Sutton, Bp. See below, on *Lauda*; and Muniments, A. 1. 14: D. ii. 64.]

quos in suis visitationibus inuenerit notatos misit Decano et Capitulo corrigendos, ut patet per litteram suam patentem productam ex archiuis ecclesie, ex quibus apparet
* Lf. 21ª. quod dominus Decanus* qui tunc fuit fatebatur saltem tacite iurediccionem esse communem, ex quo communiter defendebat, et preiudicauit iuri si quod habuit a capitulo separatum, et a tempore dicte litis nunc memoria non habetur.

Item Domino Archiepiscopo Cant' vendicante iurediccionem in ecclesia*m* et dioc*esim* sede vacante, Decanus et Capitulum iurediccionem huiusmodi communiter defendebant, et communiter componebant, ex quo apparet vt supra, et ab illo tempore fluxi sunt quadraginta anni et amplius.

Item secundum composicionem tunc initam vacante sede Decanus et Capitulum tres vel quatuor de Canonicis ecclesie domino Archiepiscopo nominabunt, vt vnus sit offici*alis* sede vacante, et dominus Archiepiscopus vnum eliget de eisdem, ac faciet et constituet eum offici*alem* Linc' ad exercendum iurediccionem episcopalem in Ciuitate et diocesi toto tempore vacacionis; quam nominacionem Capitulum cum Decano non faceret, si in Decano tota iurisdiccio resideret.

Item idem Officialis iurabit Decano et Capitulo coniunctim, quod fidelis erit ecclesie Linc' in execucione iurisdiccionis (∧ sue) predicte, tanquam coram illis quorum interest coniunctim iurediccionem fideliter exerceri, cuiusmodi iuramentum non foret coram Capitulo prestand' si in Decano tota iurisdiccio resideret.

Item in composicione predicta Decanus, qui tunc fuit, fuit Capituli procurator, et in animabus canonicorum de seruanda composicione predicta prestitit iuramentum; quod non fuit necesse, si in Decano tota iurediccio resideret.

Item Decanus officialis non vocatur 'Officialis domini Archiepiscopi' vel 'Decani,' sed 'officialis Linc',' scilicet ecclesie Linc', cuius iurediccio et eius exercicium de iure residet in Capitulo, sede vacante.

Item in composicionem pretactam Decanus et Capitulum coniunctim iurediccionem episcopalem in diocesi

Linc' sede vacante exercuerunt et commiserunt, vt patet per vnum librum ecclesie antiquum ; cuiusmodi coniunccio, cum sit iuris, non tollitur per composicionem pretactam.

Item exercicium iurediccionis, sede plena, est Episcopi de iure, de consilio sui Capituli vel consensu.

Non reperitur de[1] consensu episcopi vel Capituli *generalem* Decanus habet iurediccionem a Capitulo separatam, quia tam Episcopus quam Capitulum contrarium ostendunt suis vsibus et scripturis · vnde si aliquod velit pretendere, deficiente consensu huiusmodi, ipso iure non subsistit.

[1] [*h. e.* 'quod de'.]

In[2] ecclesia vtitur consuetudinibus non scriptis sicud et scriptis, et fere in numero pari[3], sed secundum consuetudines ecclesie non scriptas[4] nullus habens dignitatem in ecclesia habet vocem in Capitulo, nec participans distribucionis cotidianas, nisi sit Canonicus prebendarius et per*sonaliter* installatus[5]; nec inuenitur contrarium de persona Decani ordinatum vel eciam vsitatum.

[2] *Forsan*, 'Item' *vel* 'Nostra.'

[4] Nota contra dignitates. (*marg.*)

Decanus ergo non habet iurediccionem in Capitulo racione solius dignitatis Decanalis, in quo, absque Canonicatu (∧ vel *interlin.*) prebenda, nulliusmodam[6] vocem habet, nec est particeps sp*irit*ualium plusquam temporalium, vt videtur.

Item secundum consuetudines ecclesie scriptas, nullus potest dicere vnam horam, nisi sit Canonicus personaliter installatus ; vnde si Decanus, non existens Canonicus, non potest facere quod est minus, non potest facere quod est maius, iurediccionem scilicet exercere, solius racione dignitatis Decanalis.

Plus igitur constat sibi Canonicatus cum prebenda, quam dignitas decanalis.

Item quod correccio excessuum sit communis, patet per correcciones factas* a diu de octo vicarijs qui per litteras

* Lf. 21ᵇ.

[3] On unwritten and written customs at Lincoln, see *Black Book*, pp. 156, 353, 364, 395, 419. Also in this vol. p. 163 below.

[5] *Canonicus prebendarius et personaliter installatus* :—See Bradshaw's statement, p. 707 below, and the passages there cited.

[6] '*nulliusmodam*' a word compounded on a false analogy after some likeness to 'omnimodus'.

eorum patentes fatebantur se conuictos de incontinencia coram decano et Capitulo, et cauebant dictis decano et Capitulo de continendo per easdem litteras, quibus litteris ex archiuis ecclesie fides est adhibenda precipue inter eos quorum huiusmodi sunt archiui.

Item illud idem patet per correcciones factas de alijs tribus vicarijs de choro registratas in registro actorum producto ex archiuis predictis ; vnde si correccio vicariorum sit communis, multo forcius Canonicorum.

Item Dominus decanus, respondendo ad posiciones sibi factas, fatetur capitulum esse et fuisse in possessione exercendi iurisdiccionem predictam communiter cum eo presente et non necligente, vt patet per responsiones suas · set dicit non de consuetudine legitima, quod non suum allegare, cum pro eo non faciat ius commune, contra quod consuetudo allegatur.

Item vsus ecclesie superius allegatus stare potest cum registro nouo, quod dominus Decanus pretendit pro se[1], et registrum cum vsu et libris antiquis, si registrum rite intelligatur, quoniam non dicitur in eo quod Decanus faciet quicquam solus, set adduntur hec verba, "Iudicio Capituli[2]," Capitulo cum eo ius dicente ; cuiusmodi exposicio vsui conuenit atque iuri.

[1] *Registro nouo:* p. lxxxviii, '*Registrum quod dicitur Nouum:*'—The 'Chapter Register' on which the Dean at that time relied. The Customs originally entered in the Lincoln Minster *Collectarius*, cir. 1267—84 (if not as early as 1237), whence they were transcribed into the *Black Book*, cir. 1330. See Bradshaw on *Liber Niger*, pp. 54, 84, 427.

[2] *Judicio Capituli:*—The history of this phrase is yet to be written. See what is said in the *Black Book*, pp. 83, 280, 283 (li. 25, cf. li. 7, 'de consensu Capituli'), 321 (Bp Dalderby's Award, 27 Jul. 1314). It is interpreted as to its enlarged application, as in the text, by Bp Alnwick in his *Nov. Reg.* printed below, p. 282. Explained to mean 'cum assidencia, seu assistencia Canonicorum predictorum' (viz. the two chosen assessors of the Dean or his deputy) infra p. 288, cf. 320. '*Judicio Decani et Capituli*' occurs in *Nov. Reg.* infra p. 351 §§ 9, 10. See also Alnwick's *Laudum*, p. 192, art. 27, and p. 194. It is found in the Wells copies of *Dignitas Decani* (ed. Reynolds, pp. 44, 45, and 55) 'in nullo respondeant nisi in Capitulo, et judicio tantum Capituli pareant. Debet ...causas...judicio Capituli terminare.' This is no doubt derived from Bp Poore's *Sarum Tractatus* where (with the exception of the word

Item idem registrum nouum coniungit notorie Decanum et Capitulum, in licencia, absencie casu, concedenda, ac in probacione sentencie excommunicacionis et deputacionis visitator' ecclesiarum de communa, compulsione firmariorum, et in alijs.

In aliqua parte [1]Decani et cañ[1] parificat, vtpote non iudicio Capituli subeundo.

[1] (*forsan*, 'Decanum et canonicos.')

Et in nulla parte Capitulum, in quo residet iurediccio de iure, ab exercicio iurediccionis excludit, in quo illud ius includit.

Item ex quo iurediccio radicaliter residet in Capitulo et per illud, sede vacante, exercetur, et sine eius consilio vel consensu non exercetur sede plena, et exercicium redit ad illud iterum sede vacante de iure non sequitur. 'Decanus faciet' hoc et illud, ergo 'solus decanus' · sicud nec sequitur 'per vnum pronuncianda est eleccio,' est 'solius pronunciantis,' et in alijs pluribus exemplis tam dialecticis quam naturalibus et theologicis, atque iuris talis consequencia non procedit.

Item Capitulum habet insinuacionem test*amenti* decani, si decedat, et audicionem raciociniorum executorum suorum.

Item habet disposicionem bonorum suorum, si decedat intestatus.

Item bona ipsius incidunt in sequestrum Capituli donec nouus Decanus creetur.

Item si defectus reparantur in domibus suis Linc' post

'tantum' in the former) these two sentences may be found on fo. 1 and 2 (pp. 2, 14 ed. Jones) respectively. The former may be traced still farther back, in St Osmund's own Institutio ('*Hec sunt*') A.D. 1091, at p. 8, §§ 7, 8, below. And the phrase *judicio capituli* occurs also in Bp J. Waltham's and Dean T. Montacute's Composition, confirmed by Boniface IX. A.D. 1392, for Salisbury. *Statutes*, ed. Dayman and Jones, p. 87. The definition there, at the close of the 14th century is: "Judicio capituli, hoc est, in capitulo, et capitulo (si voluerit) assistente, ac consilio capituli super hoc requisito ac etiam exspectato." It is however to be noted that the important words *cum consensu capituli*, though printed by Rich Jones in *Osmund Reg.* vol. i. p. 4, li. 6, do not really occur in either of the genuine thirteenth century MSS. in that passage. We shall trace them, presently, to a sixteenth century copy at Lichfield.

mortem eius, executores ad emendacionem earum per Capitulum compellentur.

Item si defectus consimiles reparantur in manerio suo de Derby exempto; execut*ores* ad emendacionem corum per capitulum compellentur.

Item videatur de alijs locis ad Decanum pertinentibus, licet non sint in diocesi Linc' constituti · quoniam Capitulo Linc' sunt appropriata, et Decano assignata, et ad ea regenda per Capitulum eligitur Decanus.

[Nota De Oliuero *marg.*]

Dominus Episcopus Oliuerus ante assumpcionem suam episcopalem fuit Decanus per quinquennium[1], et ante dignitatem Decani adeptam residens personaliter per quinquennium sicud creditur[2]. Factus Episcopus contulit dño Decano duas dignitates et adminus tres prebendas per vices[3], et qualibet *scripsit decano et Capitulo pro installacione ipsius, et sic fecit installacionibus consimilibus, quod non fecisset (∧ nisi *interlin*) tempore suo separatim a capitulo can*onicos* installasset, vel installari vidisset.

[1] [O. Sutton, *Dean*, 30 Jun. 1275—1280, Feb. 1.]

* Lf. 22ᵃ.

Item contra dominum Archiepiscopum Cant' vendicantem insinuacionem testamentorum habencium plurima beneficia vel maneria in diuersis diocesibus prouincie Cant' et consequencia, ex eadem appellauit, et cum eo appellauerunt Decanus et Capitulum Linc', tanquam habentes

[2] *Residens per quinquennium sicut creditur* :—Duffus Hardy gives an O. de Sutton, preb. of Thorngate, 14 Oct. 1294; collated to Crackpole St Mary's, 30 June 1295; to Leighton 'Buzzard' (?Ecclesia), 9 Apr. 1296. But if, as according to Hardy, this canon did not die till 1324, we cannot identify him with the famous Oliver Sutton who was Dean 1275–80, and Bishop 1280–1300.

[3] *Nic. Hegham* (Dean, 1280–88) had been preb. of Leighton Buzzard, cir. 1274; Archd. of Oxford, 1275–80. In 1280 he became Dean (as successor to O. Sutton, consecrated May 19). He died 30 Apr. 1288. His successor, dean *Ph. Wilughby* (1288–1305), was preb. of Welton Ryval before 1290; preb. of Norton Episcopi 2 Oct. 1290, and died 20 Sept. 1305. Counting both these Deans, two dignities indeed, but only two prebends, are known to Hardy as conferred by the Bishop on a Dean of Lincoln, within the period here in question (1280–1300).

iurediccionem in insinuacione testamentorum[1] Can*onicorum* ecclesie Linc', quo ad bona prebendalia, et cum eo appellauerunt Archidiaconi, de quorum numero fuit tunc nunc dominus Decanus[2] et consensit.

Quod factum non fuisset, si iurediccio decani et Capituli separata fuisset.

Item idem dominus Oliuerus, olim Decanus, cum esset episcopus bis Capitulum visitauit[3], et Canonicos quos inuenit notatos remisit Decano et Capitulo corrigendos, quos† non fecisset, si tempore quo fuit Decanus solus corexisset canonicos, vel ante statum Decanalem adeptum eos vidisset corigi solomodo per Decanum; et quod sic fecit, patet per litteras suas Decano et Capitulo scriptas.

[3] [Vide supra, p. lxxix. Et infra, pp.ci,637.]

Item in registro actorum scriptum est, quod idem dominus Oliuerus predictus testificabatur semel per litteram, quod prouentus prebendarum vacancium incidunt in sequestrum Capituli; quod non scripsisset si tempore suo fuissent in disposicione solius Decani.

Item (∧ quod *interlin.*) idem dominus Oliuerus post visitacionem suam secundam scripsit Capitulo corecciones

[1] *Insinuacio testamentorum.* On jurisdiction as to probate and administration of wills in general, see the letter of Abp Walter Reynold in 1319 (*Black Book*, p. 324) relating to a dispute between his predecessor Rob. Winchelsey and Bp Dalderby of Lincoln, cir. 1300–1312.

[2] *Nunc dominus Decanus*:—Roger de Mortival, who held the Deanery of Lincoln about 1312, the time of which J. de Schalby is writing in this sentence, was preb. of Lafford before 1293; moved to Castor, 18 Nov. 1293. Held the archdeaconry of Huntingdon, 1288–95. In January 1295 he became archd. of Leicester, but declined the *prebend* of Leicester (St Margaret's) which from Grosseteste's time till then (1232–94) had, according to J. F. Wickenden's ms. additions to our *Fasti*, been regularly attached to that archdeaconry. Roger de Mortival was also Chancellor of Oxford in 1293. He held the prebend of Netheravon in the Church of *Sarum* from 6 Feb. 1298 till his consecration to that see, 28 Sept. 1315. He died 14 Mar. 1330. He was Dean of Lincoln from 25 Jan. 1310 till he was elected Bp of Sarum 11 June 1315. Roger de Mortival gave to Lincoln Minster 'a cope of white satin with images and red roses having the coronation of our Lady in the back.' Also a crystal cross (with a socket) and the figure of Christ crucified, and a lamb, silver gilt, adorned with gems, the four evangelists, and the arms of England, France, and Cornwall on divers scutcheons. *Lincoln Inventories*, pp. 8, 28, 53, in *Archæol.* vol. 53.

suas, (∧ inter cetera *interlin.*) recitatis excessibus vicariorum quos inuenerat, scripsit eisdem Decano et Capitulo corecciones quas ordinauerat de eisdem, monendo eos quod de remedio contra ipsorum insolencias cogitarent, et ascribendo decani et Capituli necligencie insolencias eorundem.

[1] 'ꝯi': *ms.*

De seruientibus *chori*[1] scripsit idem · adiciens quod eorum amocio in potestate Decani et Capituli est, saluis illis qui per Episcopum preponuntur.

Item Carta quondam Regis Will'i, qui immediate successit huius ecclesie fundatori, per quam confirmat translacionem sedis Linc' A Dorkcestr' · et bona collata eidem per episcopum Remigium procurata, exigit et requirit

[2] ['a decano et fratribus ceteris.' *CartaWill. regis II.* Infra, p. 4.]

vt Canonici per Decanum et fratres ceteros[2] corigantur, et si corigi nequiuerint per ipsos, eis Episcopus adiungatur; et si incorigibiles fuerint amoueantur · vnde sine voluntate patroni iste modus corrigendi mutari non potest nec potuit, vt videtur.

Item premissa omnia, que competunt Decano et Capitulo coniunctim, quando Decanus est presens et non necligens, ipso absente per Capitulum exercentur; vt Dominus Decanus fatetur articulando et ponendo · vnde si ipso presente sit iurediccio separata, et, ipso absente per duo miliaria a Ciuitate, sit capituli, et, ipso iterum reuertente, sit separata, per consequens est ambulatoria et non fixa; quod esse non debet · cum sic in causis et negocijs fierent inuoluciones et intricaciones quam plures.

Ad hoc quod dicit dominus Decanus, se esse electum et confirmatum, et per consequens iurediccionem sibi commissam esse a iure, dici potest, quod per solam eleccionem nulla potestas tribuitur alicui electo regulariter; Per confirmacionem vero eleccio et persona electa solomodo approbantur, set iurediccionem nullam* consequitur electus et confirmatus, nisi dignitati ad quam eligitur tribuatur a lege, vel consuetudine, ordinacione, vel priuilegio.

* Lf. 22ᵇ.

Quid autem lex tribuat dignitati Decanali in ecclesia cathedrali, incognitum est a iure.

† [*forsan* 'nescitur.']

Quid priuilegium, in ecclesia Linc' vestitur.†

Quid consuetudo vel ordinacio, vsus supratactus declarat.

Preterea Abbates et priores eliguntur et confirmantur, non tamen habent iurediccionem, nisi limitatam, quia non iudicium tribunale.

Item Decretalis quam allegat Decanus intelligenda est de ellecto et confirmato, quo mortuo collegium quod eum elegit remanet acephalo*n* secud non est in proposito, quia Decano mortuo remanet Episcopus capud Capituli.

Item Decanus Ebor*um* eligitur et sua eleccio confirmatur, et tamen nomine Capituli continetur vt extra de concess · pre · et ec · vacant[1] [cap.] post eleccionem in glossa[2]. Ad hec (∧ quod *interlin.*) dicitur "canonici promittunt Decano obedienciam, et (∧ per *interlin.*) consequens sunt sui subditi"; dici potest quod promittunt Decano vt decano, hoc est quando decanus in hijs sunt[3] iurediccionis procedet coniunctim cum Capitulo vel vice sua et Capituli / vt legitur de obediencia reuerencie non precepti.

[1] [*leg.* 'eccl. non vacant.']

[3] *forsan*, 'in vijs sue.'

Ad hoc (dicitur)[4], quod Capitulum, ipsum eligendo in Decanum, transfert in eum omnimodam potestatem quam habet Capitulum · dici potest, quod vacante Decanatu quicquid pertinet ad ipsum Decanatum incidit in sequestrum Capituli, vtpote exercicium iurediccionis in Capella de Derby · collacio prebendarum in ea, disposicio ecclesiarum approprietarum † Capitulo et Decanatuj assignatarum ad vicarias earum et beneficia ac similia. Decano autem electo et confirmato, ordinacio ecclesie hec omnia transfert in eum, non ea que Capituli, set sue dignitati solomodo assignata.

[4] Nota de vacacione Decanatus et de exercicione Jurisdiccionis eiusdem. (*margin.*)

Et hec denotat confirmacio Episcopalis q*uia* ei committit idem ab ordinacione ecclesie commissam esse declarat curam et administracionem spectancium ad Decanatum iuxta preteriti temporis morem; per quam com-

[2] Decretal. Greg. Lib. iii. tit. viii. *De concessione Praebendae et Ecclesiae non vacantis*, cap. vii. Innoc. III. Archidiacono a Richemundia. '*Post electionem et confirmationem* [*Eustachii*] *Episcopi Eliensis, vacante archidiaconatu Richemund.*' &c. The Archbishop of York, after some difficulties arising, collated Rog. de S. Eadmundo cir. 1198. 'Ad cuius obiectiones ex ordine taliter respondebas, quod licet Decani mentio in literis Archiepiscopi directis Capitulo expresse facta non esset, non tamen ob hoc exclusus videri poterat,' &c. (in Glossa.)

missionem non committitur sibi aliquid quod est iuris set moris · non cura: set administracio spectancium ad Capitulum vel aliquorum de eo, set solum spectancium ad Decanatum.

Cum Dominus Decanus vsus fuerit alijs racionibus per aduocatos quibus secreta Capituli revelantur, de responsis dominus prouidebit.

AD contenta in libro pro domino Decano exhibito similiter responderunt per raciones subscriptas que sic incipiunt.

Exposicio Registri quod dicitur nouum[1].

IN Libro quem dominus Decanus pretendit pro se ponitur rubrica "de officio Decani."

Non negatur quia dominus Decanus habeat officium, set quid spectat ad illud (∧ pocius *interlin.*) colligitur ex consuetudine quam de iure.

Item scribitur in dicto libro "Decani officium est cum Premineat" &c.[2] Non negatur quia *Pre*mineat tanquam honorabilior pars Capituli; sic enim vocatur in glossa ordi*naria* · extra · de electio · c · Cum inter vniuersas[3], et nomine Capituli continetur · extra · de concessione prebende vel ecclesie non vacantis · c · post elect[4] in glossa · seu tanquam persona principalior, sic enim vocatur in dicto libro et alijs antiquioribus et tanquam et ille cui de(∧be)tur certus honor et reuerencia certa, et in hoc quod in ex-

[2] [See *Liber Niger*, p. 280.]

[1] *Registrum quod dicitur Novum*:—See above, p. lxxxii, *n.* (Of course this was not Alnwick's book, which was not compiled until more than a century later.) See also p. xcviii, below, and p. cxi, where the earlier book which bears this name is attributed to Dean W. de Lexington, cir. 1263—72.

[3] Decretal. Greg. Lib. i. tit. vii. *De electione et electi potestate*, cap. xviii. Innoc. III. Capitulo Capuano, *Cum inter vniuersas* [*metropoli*]. But I do not find the gloss '*honorabilior pars*' there. Alnwick's *Nov. Reg.* (p. 279, below) at first adopted this phraseology: 'Decanus principalior est persona in Ecclesia, et primus in sessione et voce post episcopum, et *honorabilior pars*† *Capituli*.' But 'honorabilior *persona* Capituli' was apparently carried as an amendment.

[4] Cap. *Post electionem*. See the citation of that chapter of the Decretal, p. lxxxvii, just above.

ercicio iurediccionis et exposicione negociorum optinet prima verba, vna cum Capitulo in iudicialibus procedit, et nomen eius preponitur in citacionibus, et sentencijs, ac execucionibus earum, et in litteris quibuscunque, et execucione diuinorum preminet dum presens est.

Et hoc est verum dum*modo Decanus sit Canonicus prebendatus et in prebenda personaliter installatus. Preterea si ipse preminet, ergo alij eminent cum eodem. Et si preminet omnibus Canonicis et vicarijs diuisim, non tamen preminet Capitulo simul iuncto, set eius iudicio subiacet in causis ipsius personam contingentibus et prebendam, vt infra in eodem titulo continetur[1].

* Lf. 23a.

Sequitur in dicto libro "¶ Decani officium est causas omnes ad Capitulum spectantes audire et iudicio Capituli terminare[2]." Si hec verba intelligantur de Causis proprijs Capituli · nec Decanus nec Capitulum iudex competens est censendus · si intelligantur de alienis, ille non spectant ad Capitulum · si intelligantur de illis quarum cognicio spectat ad Capitulum, Capitulum erit cognitor in eisdem.

[2] [*Lib. Nig.* p. 280, li. 27—30, *abbreviated.*]

Item hec verba "Iudicio Capituli terminare." Innuit[3] quod Capitulum in decisione causarum est iudex, vel coniudex, et per consequens cognitor vel auditor; quia, de qua re cognouit iudex, de ea debet pronunciare, et non de alia.

[3] *forsan leg.* 'per hec verba ...innuitur.'

Item hec verba "Iudicio Capituli" habent determinare verba "audire" et "terminare," vt construccionis circuitus euitetur, et sit sensus, Decani officium est audire et terminare causas iudicio Capituli · alias oporteret fieri supleciones in construendo, que sunt vitande quamdiu potest habere construccio sine illis, et iuris intellectus saluari.

Sequitur "Appellaciones ad ipsum factas" · hijs verbis, secundum mentem domini Decani intellectis, obstat liber

[1] *Infra in eodem titulo*:—The reference here seems to me to be, not to the extravagant just cited, but to the concluding paragraph of the Lincoln rubrick *De Officio Decani*, quoted above and below in our text. See *Black Book*, p. 283. There we find the phrase, 'cause ipsorum, que racione personarum uel prebendarum emergunt, *in capitulo et capituli iudicio* terminantur, nisi ad papam uel episcopum fuerit appellatum. See also pp. 138—9 below.

antiquus, consuetudines ecclesie recitans, in quo dicitur quod appellandum est a Canonicis ad maiorem decanum et Capitulum[1]; et sic seruatur de facto.

[1] [See below, p. 139, cap. iii.]

Item Decanus et Capitulum simul rescribunt ad apellaciones, et causas earum audiunt per auditorem communem, et eas committunt · vnde cognicio est communis; et hoc innuunt verba "iudicio capituli audire et terminare causas omnes," quia si omnes, per consequens causas appellacionis debent audire et terminare communiter, quia 'omnes' 'nichil' · excipit · et, quod simul audire et terminare debent causas appellacionum, innuit verbum "in Capitulo" id [est] presentibus et cognoscentibus fratribus qui faciunt Capitulum.

Preterea non sequitur · 'Decani officium est audire causas appellacionum et tractare,' ergo 'solius decani'; iure et consuetudine ecclesie o(∧b)sistentibus.

[2] [*Lib. Nig.* p. 280, *in fine.*]

Sequitur "Excessus canonicorum corigere[2]": hijs verbis, secundum mentem domini Decani intellectis, contradicit liber antiquus, in quo dicitur quod Episcopus non potest prohibere quin Decanus et Capitulum de causis canonicorum et transgressionibus eorum cognoscant.

(∧ Et) si decanus est per Capitulum cohercendus, et similiter contradicit finis dicti tituli 'de officio Decani' in libro quem pretendit dominus Decanus situati, in quo dicitur, quod decanus subiacet iudicio Capituli[3], quod faciunt Canonici in Causis suam personam contingentibus seu prebendam[4] · absurdum enim est quod eos corrigat Decanus per quos est cohercendus, et quorum iudicio noscitur subiacere.

[3] [*Lib. Nig.* p. 283.]

[4] [*Vide infra*, pp. 138—9.]

Preterea hic non aperitur cuiusmodi commissa nomine excessuum continentur.

Nam non sequitur, 'excessus,' ergo 'crimina,' set pocius econuerso.

[5] [Sententia lata per Innocent. IV. pro Rob. Grosseteste Linc. Epō. 25 Aug. 1245. *Lib. Nig.* p. 318.]

Intellectui autem predicto contradicit Bulla[5], continens sentenciam latam inter Episcopum Rob' ac Decanum et Capitulum, in quo † dicitur quod excessus Canonicorum qui consueuerunt corrigi per Capitulum, per illud corrigantur; in quibus verbis innuitur quod consuetudo corri-

gendi Canonicos per Capitulum fuit coram papam probata, et ipse secundum probacionem *huiusmodi diffiniuit. * Lf. 23b.

Item intellectui predicto contradicit clausula precedens, que dicit omnes causas esse audiendas et terminandas iudicio Capituli, cum correccio et punicio cause cognicionem requirant, et per consequens sunt iudicio Capituli exercende.

Sequitur enim citacionem, obieccionem, responsionem affirmatiuam vel negatiuam, et, si fiat responsio negatiua, purgacionis indiccionem, pronunciacionem, et pronunciacionis execucionem; et non possunt exerceri extra territorium procedentis.

vnde contensiose non voluntarie iurediccionis existunt.

Sequitur, "Et si in hijs exequendis necligens fuerit, vel absens" &c.[1] Hic non tenet argumentum domini Decani a contrario consensu · *scilicet* · si decanus sit presens, vel diligens, premissorum execucio erit sua solummodo, non Capituli, quia simil' possunt stare, quia Capitulum cum Decano presente procedet, et nullominus Decano necligente vel absente · Capitulum procedet per se. [1] [*Lib. Nig.* p. 281, li. 3.]

Et si queratur, quomodo Decanus potest dici necligens, nisi solus possit procedere; dici potest, quod eo ipso est necligens, quod non vult procedere cum Capitulo dum est presens.

Sequitur, "Canonicos quibus dominus Episcopus prebendas contulerit, prout est dictum admittere."

Si dominus Decanus intellegat, quod per hec verba admissio Canonicorum competat sibi soli; obuiat ei vsus.

Nam facta collacione prebendarum per Episcopum, Episcopus scribit Decano et capitulo coniunctim, pro admissione illius cui facta est collacio; tenens quod admissio est communis.

Item si dominus ('papa' *erased*) conferat alicui canonicatum et prebendam, et scribatur episcopo quod admittat eum in Canonicum et in fratrem · Scribit Episcopus Decano et capitulo coniunctim, quod cum eius sit *tantum*-*modo* collacio prebendarum, et *eorum* sit admissio in Ca-

nonicum et in fratrem, faciant circa admissionem huiusmodi quod ad ipsos noscitur pertinere.

Item in admissione confratrum, confratres residentes *specialiter* conuocantur[1], et eis presentibus fit admissio, Decano pronunciante verba admissionis, et canonici communiter psalmodizant, et post psalmodiam admittunt ad osculum nouum fratrem; que omnia innuunt quod admissio sit communis.

Nec sequitur, 'Decanus profert verba,' ergo 'sua est admissio tantum.' Nam in eleccione[2], siue fiat per scrutinium, siue per compromissum, eleccio pronuncianda est per vnum, et in numero singulari, et tamen eleccio est communis.

[2] [This argument is adopted in Alnwick's *Nov. Reg.* See pp. 291—2, below.]

Item racio exigit quod frater a fratribus admittatur, quia quilibet possit eum repellere, iusta causa proposita et probata.

Item induccio noui Canonici in possessionem prebende exterioris sit[3] ad mandatum Decani et capituli commune.

[3] [*leg.* 'fit.']

Sequitur[4] · "Vicarias vacantes ad presentaciones canonicorum presencium vel absencium de licencia Decani et Capituli de clericis ydoneis ordinare[5]." Non dicit presentaciones soli Decano factas uel faciendas; nec dicitur quod solus debeat ordinare; et idem Capitulum non excludit · quod in alijs coniungit, vtpote in causis decidendis et licencia absencie, vt est dictum, canonicis concedenda; nec (∧ ius *interlin.*) priuatum tollit ius commune · nisi *specialiter* hoc dicatur; immo secundum ius commune est iuris priuati interpretacio facienda.

[4] [*Lib. Nig.* p. 281, li. 7—10, *abbreviated.*]

Item *hec verba "Iudicio Capituli" habent construi

* Lf. 24ᵃ.

[1] I do not see that the notice to the residents is definitely mentioned in those old customs which are printed on pp. 137, 155, below; nor in the *Black Book*, pp. 274, 281. Though it may be implied in the mention of the presence of Canons joining with the Dean. It is however prescribed by Bp Alnwick in the opening of part 2 of his *Novum Registrum*, p. 312 below.

[5] The paragraphs '*Vicarias vacantes*,' &c., '*Verum si*,' &c., '*Et si in hijs*,' &c., here quoted from the Lincoln Black Book of Grosseteste's time, are not found in the document sent from Lincoln as entered in the Moray Register cir. 1214.

cum omnibus verbis Infinitiui modi suprapositis, scilicet "causas audire et terminare iudicio capituli" (∧ "appellaciones audire et tractare iudicio capituli" *margin*) "excessus corrigere iudicio capituli," "Canonicos admittere Iudicio capituli," "et vicarias ordinare iudicio capituli," quoniam, que in prefacionibus dicuntur, in subsequentibus repetita intelliguntur. [Adopted by Bp Alnwick, *infra*, p. 292.]

"Et si in hijs exequendis" &c. Hec clausula deberet poni in fine omnium Capitulorum que sunt iurediccionis, set ponitur quasi in medio eorum. Vt construccio intricetur et a vero intellectu recedatur. Et ponitur ordinacio vicariorum inproprie, quoniam ordinare est proprie statuere quid sit vicarius percepturus · et illud a tempore fundacionis ecclesie fuit ordinatum. [*Lib. Nig.* p. 281, li. 3.]

Sequitur "vt[m]† si vltra mare" &c.

"Decanus eam auctoritate propria[1] citra assensum ipsius Canonici cui voluerit clerico ydoneo potest conferre." Istud verbum "auctoritate sua" capitulum non excludit, set ponitur ad exclusionem presentantis, sicud legitur in decretis · vbi dicitur "Reliquorum clericorum causas solus Episcopus loci agnoscat et finiat."

"'Solus' autem ad exclusionem aliorum Episcoporum, non suorum clericorum, dicitur" xv. q. vij. si autem c. sequent.[2]

Item 'potest conferre sine assensu Canonici absentis,' ergo 'sine consensu Capituli' · non sequitur.

Item si conditor dicti libri intendisset capitulum exclusisse, ita dixisset · 'citra assensum Capituli' · sicud dixit "citra assensum Canonici[3]."

Et illud idem dici poterit in clausula subsequente[4].

Sequitur "Preterea in maioribus festis" &c.[5] Hic recitatur officium Decani in execucionibus diuinorum que non possunt communiter expediri. Set huiusmodi officium nequit exequi nisi fuerit Canonicus, prebendatus, et per-

† 'uerum': *Lib. Nig.* p. 281, li. 11.

[1] 'sua,' *Lib. Nig.* p. 281.

[3] [*Lib. Nig.* p. 281, li. 13.]

[5] [*Ibid.* p. 281, li. 18.]

[2] Decreti Secunda Pars, causa xv. quæst. 7 capp. 5 (gloss), and 6.

[4] i.e. "Preterea nullus clericorum de superiori gradu uel de secunda forma admittatur, nisi auctoritate Decani." *Black Book*, p. 281, li. 15—17.

sonaliter installatus, vt inferius continetur; vnde videtur quod plus iuris sibi confert canonia cum prebenda quam Decanatus.

¶ Execucionem diuinorum domino Decano presente competentem ipso, ipso absente exequuntur alie persone, et in aliquibus soli ebdomodarij: vnde videtur quod in [hoc] hij eminent sicud ipse.

Sequitur "Omnes tam maiores quam minores chori in ingressu" &c.[1]

[1] [*Lib. Nig.* p. 282, li. 21, *De Reuerencia debita Decano.*]

Non negatur domino Decano inclinacio propter vsum; set ex hijs verbis non infertur quod Canonici debent nisi inclinare.

Nam non solum sunt de choro. Set de capitulo et confratres ecclesie; et totum ius ecclesie fundamental*iter* residet in eisdem, et illud quilibet eorum potest defendere et agere pro eodem · et Episcopum eligunt; et nichil de iure vel bonis ecclesie alienari potest · sine ipsis. Vnde longe maiores sunt solis clericis chori, quorum nomine pauperes clerici continentur; et appellaciones eorum non debent intelligi, cum appellacione minorum personarum generali 'maiores et digniores' persone notabiliter minime includantur · extra · de Rescriptis, Sedes[2].

Et idem videtur dicendum de peticione licencie recedendi et minuendi[3], precipue cum huiusmodi licencia Absencie Decano vel subdecano a solis ebdomadarijs petatur per vicarios chori, et vt dicitur conceditur, et hoc innuit clausula subsequens in qua cum dicitur quod "Decano chorum vel Capitulum intranti uel transitum per[4] alterutrum facienti omnes maiores et minores debent assurgere[5]," Non dicitur 'omnes maiores et minores chori,' nec de choro fit mencio*. Et talis reuerencia, licet non tanta, inpenditur cuilibet Canonico transeunti.

[3] [*Lib. Nig.* p. 282, li. 24—7.]

[5] [*Ibid.* li. 28.]

* Lf. 24ᵇ.

Ex quo apparet quod canonicis debetur reuerencia, et eminent ut Decanus, licet ipse premineat principalis.

[2] This reference in the Canon Law will be found in the Decretals of Gregory the Ninth, lib. I. tit. iii. cap. 15. '*Sedes Apostolica*' &c.

[4] 'uel alterutrum' is the reading of the 'Black Book' p. 282, li. 29. But the earlier text which went to Moray has 'per.'

Sequitur "Omnes prebende vacantes erunt in custodia Decani" &c.[1]

Registrum vetus dicit quod erunt in Custodia Decani et Capituli[2]; et talis est vsus ecclesie ab antiquo obseruatus.

Item non dicitur 'erunt in Custodia solius Decani'. vnde Capitulum non excluditur · nec excluderetur si diceret 'solius.' Nam 'solus' clericos ecclesie non excludit; vt est superius allegatum[3]. Et quod dicitur "sua auctoritate," dicitur ad exclusionem Episcopi, non Capituli, racione pretacta.

Sequitur, "Ad huius† in malefactores" &c. Hic coniungitur Capitulum cum Decano in probacione sentencie generalis et eciam specialis · Vnde nullam sentenciam excommunicacionis potest ferre solus.

Sequitur "Tam Decani quam canonicorum talis est dignitas" &c.[4] Hic parificat Decanum cum Canonicis in iudicio subeundo. Vnde sibi soli non subiciuntur, vt videtur, cum non habeant ipsum par in parem.

Item hoc apparet, quod Dominus Decanus subiacet iudicio Capituli, quod Canonici constituunt. Vnde non videtur quod eos debeat iudicare.

Preterea dicitur in fine libri[5] "Cum Canonicus in eccle-

[1] [*Lib. Nig.* p. 283, li. 5.]

[2] [*Vide infra*, p. 140, cap. iv.]

[3] [See pp. lxxxiii, xciii.]

† [Ad hec: *Lib. Nig.* p. 283, li. 16.]

[4] [*Ibid.* li. 22.]

[5] *In fine libri*:—It is interesting to find this document, which was transcribed to make the First Part of the Black Book, treated as a distinctive 'book,' about the time when the latter was penned. The 'book' means just that brief collection of customs which Bradshaw has described (p. 696, below, as "drawn up in Bp Grosseteste's time, and almost certainly between 1230 and 1240." Thus, as a composition, the *Consuetudines et Officia Ecclesiae Lincoln.* ("Dignitas Episcopi...communiter fient et una uice.") was about a century old in Schalby's time, when the Black Book was made on purpose to hold a copy of it. Bradshaw has sometimes called this first part of the Black Book, *with the addition* of the order '*De firmis*' ("Ut ecclesiarum cure...fecimus registrari, vj. id. Jun. anno supradicto."), "the Consuetudines of 1267;" and he has done so on account of the date of that entry at the end of the older chapters. Thus he assigned the *composition* of a great part (about 9 leaves = pp. 273—297), to the episcopate of Grosseteste, and the earliest addition to the time of Ri. de Gravesend: but the earliest *transcript* of both alike now extant at Lincoln (the Black Book, part I.) to cir. A.D. 1330.

As I was responsible for the corrections of Chapter ix. in Dr Prothero's

sia presens infirmatur Decanus accedet ad eum et ipse consilium saluti anime prout decet inpendet[1]." Hoc potest facere sine audicione confessionis, et tamen audicio confessionis sibi minime denegatur; quia ius illam sibi concedit. Set dicit ius, quod constitucio confessorum per episcopum solum, vel Decanum et capitulum, contrafieri debet vnde quod dicitur in dicto libro, "Et si ab alio consilium confessionis velit habere De licencia Decani permittatur habere[2]"; non excludit ius predictum nisi diceretur 'de licencia solius Decani' nec foret si diceretur 'solius' racione pretacta, nec obstat quod dicitur non negatur sibi audicio confessionis, quia audit vice sua et capituli in quo ius residet audiendi, vt videtur ex quo constituit confessores; et per episcopum non committitur Decano Cura animarum Capituli[3], nec cura et administracio capituli in spiritualibus et temporalibus, set cura et administracio pertinencium ad Decanatum iuxta preteriti temporis morem.

[1] [*Lib. Nig.* p. 294, § 8.]

[2] [*Ibid.* p. 294, *in fine.*]

[3] [*Vide infra*, p. 342, *in Nov. Reg.* A.D. 1440.]

J. de Schalby gives the heads of his own pleadings later on in his book. It seems best to print them here in their proper context[4].

Memoir of Henry Bradshaw, I may mention that in the last line of p. 275 of that volume 'thirteenth' century is an oversight of mine for 'fourteenth,' and as regards the note on the three parts of the *Black Book* (*ibid.* p. 287), I have found that Bradshaw's latest conclusion was, that Part I. was entered therein nearer A.D. 1330 than 1300. I had not realised this change of his view until I had nearly finished editing his papers on the *Black Book* after the '*Memoir*' quoted was published. His own 'Memorandums' were copied and re-copied by him, and in one which I had before me in 1887 he expressed the opinion (which he afterwards relinquished) that the Black Book was one of the actual *volumes* about which the Dean and Schalby (among other canons) disputed in 1312. Subsequently (as readers of the *Black Book*, ed. 1892 will understand) Bradshaw perceived that the *Liber Niger* was *transcribed*, later in Schalby's lifetime, *from* the volume which had been quoted in 1312.

[4] A curious collection of documents relating to the same contest between Dean Roger de Mortival and the Canons, and in part to J. de Schalby in particular, at an earlier stage (viz. 2—14 Mar. 1312—13) has been printed already in our edition of the *Black Book*, pp. 263—7, at the end of the papers introductory to that volume.

* *Rubricelle · J · de schalbij facte super probacionibus suis proprijs.* * Martilo. Linc. fo. 35.

INSPECTA submissione facta per venerabiles viros dominos Decanum et Capitulum ecclesie Linc' in reuerendum patrem dominum Johannem Dei gracia Linc' Episcopum, apparet quod iurisdiccio in ecclesia Linc' et ipsius personis exercenda · ipsius exercicium atque vsus et vtendi modus in genere et quidam spec*i*ales actus iurisdiccionis · vtpote visitacio, excessuum correccio, et personarum delinquencium iuxta delicti quantitatem et personarum qualitatem punicio, causarum appellacionum audicio et tractatus, missio Canonicorum in possessionem prebendarum, et vicariorum admissio in choro, spec*ialiter* in submissionem h*uius* deducuntur.

Quod iurisdiccio sit Capituli, non Decani a Capitulo separatim et supra Capitulum, vt pretenditur, iure communi probatur, loquendo en*im* de iure communi · Capitulum habet iurisdiccionem a iure, et ipsius exercicium sede vacante et eo tempore Decanus subest ei sicut quilibet alius de ecclesia vel diocesi. Et sic eo tempore Decanus et Capitulum tanquam superiorem *imperium* nullum habet. Sede autem plena, exercicium iurediccionis habet Episcopus, de consensu Capituli sui in arduis, et de consilio in leuibus; et eo tempore Decanus iudicatur ab Episcopo, de consensu Capituli vel consilio, vt est dictum · vnde quid iurediccionis Decanus habet super Capitulum, sede vacante vel sede plena, incognitum est a iure, quia quilibet de Capitulo habet Capitulum, superiorem immediatum, sede vacante, et Episcopum sede plena.

Quod iurediccionis huiusmodi exercicium, quantum ad Decanum et Capitulum pertinet, sit commune, iure communi probatur. Nam Decanus, si sit frater, inest Capitulo tanquam membrum corporis sub episcopo capite constitutum, et nomine Capituli continetur · in tantum quod si scribatur Capitulo, non facta mencione de Decano, Decano intelligitur esse scriptum. Et quod Capitulare, est commune pro indiuiso de iure.

*Q*uod vsus sit communis de iure patet · quia re communi pro indiuiso communiter est vtendum.

*Q*uod actus iurediccionis spe*c*iales submissione nu*mer*ati[1] sunt communiter exercendi de iure · patet per hoc, quod idem iure debet obseruari in parte quod seruatur in toto; et in accessorio, quod in principali.

[1] *forsan leg.* 'spiri*tu*alis sub missione nun*cii*'.

*Q*uod iurediccio*nis* huiusmodi generalis exercicium secundum vsum ecclesie Linc' Decano et Capitulo sit commune, Decano presente et minime negligente, probatur per verba scripta in fine veteris martilogij cuiusmodi scriptura vetus registrum a pluribus appellatur.

['*Vetus Registrum.*']

Et si negetur, negetur registrum.

est saltem vnus de libris antiquis per quos probacio fieri consueuit.

Et quod sit registrum patet per raciones factas contra probaciones domini Decani.

Et de tempore edicionis dicte scripture memoria non habetur.

Probatur per processum habitum quondam inter dominum Robertum Grosteceste episcopum et Capitulum q*uoniam* eodem domino Roberto cognicionem causarum et sequestracionem beneficiorum vacancium in ecclesia et ipsius membris pecculiaribus * vendicante Decanus et Capitulum coniunctim iurediccionem huiusmodi defendebant et sentenciam absolutoriam communiter reportabant, vt patet per bullam sentenciam ('pape' *erased*) continentem[2], vnde apparet quod iurediccio tunc fuit communis que communiter defendebat*ur* et illius temporis nec† memoria non habetur.

* Lf. 35ᵇ.

[2] [Cf. *Lib. Nig.* pp. 315—319.]

*P*robatur per librum qui dicitur nouum registrum[3] con[t]ingentem Decanum et Capitulum, circa principium tituli 'de officio Decani' in decisione causarum, et circa medium in licencia absencie Canonicis concedenda, et circa

['*novum Registrum.*']

[3] *Nouum registrum:* It is hardly necessary to warn the reader that Bp Alnwick's book was not in existence in J. de Schalby's time. This name was given, as we have said already, to the 'Registrum Capituli' on which Dean Mortival relied, and 'cuius auctor ignoratur' even in Schalby's day, and which was entered in the *Collectarius* and then in *Liber Niger*.

finem in sentencia excommunicacionis ferenda[1], deputacione visitac*ionis* ecclesiarum de communa in compulsione firmar[*ior*]*um* ad soluendum firmas.

[1] [See *Liber Niger*, pp. 280, 282, 283.]

*P*robatur per hoc quod domino Archiepiscopo Cant' vendicante iurediccionem in ecclesia et diocesi sede vacante, Decanus et Capitulum iurediccionem huiusmodi communiter defendebant, et contra componebant[2], vnde apparet quod iurisdiccio tunc temporis fuit communis que communiter defendebatur et ab illo tempore fluxi sunt Quadraginta anni et amplius.

[2] [Cf. *Lib. Nig.* pp. 311—315.]

Probatur per litteras commissionis auditorum *genera*lium et prepositorum. Per commissiones factas in causis et negocijs sp*iritua*libus.

Item per extracta pro Capitulo de registro actorum.

Per hoc quod Decanus et Capitulum quando Decanus presens est et non necligens coniunctim exercent, et exercuerunt temporibus retroactis, iurediccionem, inuocando[3] confratres absentes ad elecciones et tractatus,

[3] *forsan* conuocando.

In citando ad causas inter partes et negocia ex officio,

Item in eis cognoscendo quandoque per se, quandoque per auditorem generalem, quandoque per commissarios speciales,

In exequendo adiudicata et superiorum mandata,

In exercendo iurisdiccionem in prebendis vacantibus, et super tenentes capituli,

In insinuando testamenta Decanorum, et canonicorum, et aliorum de ecclesia, seu infra loca ad communitatem spectancia, decedencium, administraciones committendo, raciocinia executorum audiendo, et eos ab administracionis onere absoluendo,

In disponendo de bonis intestatorum;

In suspendendo, excommunicando, sentencias suspencionis et excommunicacionis relaxando, et absoluendo ab eis;

In sequestrando bona prebendalia canonicorum, et aliorum de distr*ict*u Capituli existencium sequestra conseruando et relaxando.

*V*t probatur per testes · J · de Schalby scilicet, per

magistrum Ric. de Stretton, Magistrum Rad*ulphum* Barry cancellar', Magistrum Robertum de Lascy thesaur', Magistrum Henric' de Beni*n*gworth' subdecanum, Dñm Ric. de Rowell canonicum, Rogerum de Gretton quondam clericum Capituli.

*Q*uod visitacionis exercicium secundum vsum ecclesie sit commune, probatur per dominos Cancellarium, Thesaurarium, subdecanum, Magistrum Will. de Thorntoñ, dñm Ric. de Rowell, Mag. Ric. de Strettoñ, dñm Will. de Acre[1] olim vicarium, Joh' Blok'[2] vicarium de choro, Will. de Walton vicar' de choro.

Hij omnes deponunt quod in visitacionibus factis a Capitulo Canonici residentes fuerunt presentes cum dño Decano, et examinando cooperabantur eidem.

Johannes vero Blok dicit quod in visitacione magistri
* Lf. 36ᵃ. *Gocelini[3] Canonici residentes cooperabantur eidem, examinando et corrigendo excessus.

Willᵐ de Waltham[4] dicit quod pluries vidit correcciones fieri coram Decano et Capitulo in visitacionibus eorundem.

Item probatur per sentenciam ('pape' *erased*) latam inter predictum dominum Johannem Episcopum et Capitulum Linc̃; eodem namque domino Roberto visitacionem Decani Canonicorum et aliorum inferiorum vendicante, Decanus et Capitulum communiter huiusmodi visitacionem defendebant; vnde apparet quod visitacio huiusmodi tunc temporis fuit communis, que communiter defendebatur.

*Q*uod excessuum correccio, personarum delinquencium punicio, secundum vsum ecclesie s*i*nt communes, probatur
[6] ['*Sumpta de Martilogio antiquo.*' Vide infra, p. 138. Cf. p. lxxviii. *n.*, supra.] per verba scripta[5] in veteri martilogio[6].

Hec scilicet cohercio personarum predictarum et ca-

[1] W. de Acre ordained Priest, 1296. [2] J. Bloke, Deacon, 1295.

[3] Josceline de Kirnington was Dean of Lincoln 18 Nov. 1305 till 22 Oct. 1306, when the Pope replaced him by Raymond de la Goth, a Roman Cardinal and Dean of St Paul's.

[4] W. de Waltham, Deacon, 1293.

[5] We have these extracts from the Old Martiloge in A. Beek's Book (A. 2. 2) lf. 10ᵇ—12, and likewise in a (mutilated) copy in Schalby's own Book (A. 2. 3) lf. 19, see below pp. 136—142.

nonicorum omnium ad Decanum pertinet et Capitulum, Decani vero† ad capitulum.

†['autem': *Beek.*]

Et alibi

Episcopus vero, neque per se, neque per litteras prohibere potest, quin Decanus et Capitulum de causis Canonicorum et transgressionibus eorum recognoscant · Per sentenciam ('pape' *erased*) supratactam, per quam apparet quod huiusmodi correccio communiter defendebatur, et correccio canonicorum capitulo adiudicabatur.

Item per litteram quondam domini Oliueri [1]episcopi factam super prima visitacione, quam exercuit supra capitulum, in cuius littere fine canonicos, quos inuenit notatos in visitacione pretacta, misit Decano et Capitulo corrigendos statuens eis certum terminum ad corrigendum eosdem iuxta exigenciam sentencie antedicte.

[1] [O. Sutton, cir. 1292.]

Item per correcciones factas per Decanum et Capitulum de Ric' de Maidenford' Rañ filium Emme · Ric' Godred · Roberto de Thame, Waltero de Redyng, Radō Pilat', Johanne de Leuertoñ bina vice, et Willmo de Wikeford; qui cauebant dictis Decano et Capitulo de continendo, per litteras eorum patentes.

Item per correcciones factas de Galfrido de Cumptoñ, Radulpho de Esta et Rogero de Huntingdoñ, vicar' de choro, registratas in registro actorum.

*Q*uod appellandum sit a canonicis ad Decanum et Capitulum coniunctim[2], probatur per vetus registrum.

[2] [*Infra*, p. 139, li. 4.]

*Q*uod cause appellacionum consueuerunt audiri et tractari per Decanum et Capitulum coniunctim, ac in presenti audiantur et tractentur, patet per testes superius nominatos, commissiones auditorum, et litteras habitas in eisdem, temporibus retroactis.

*Q*uod missio Canonicorum in possessionem prebendarum sibi collatarum Decano et Capitulo sit communis, patet per stilum Curie episcopalis, per stilum Capituli, per dominum Cancellarium, per magistrum Gocelinum, per magistrum Ric' de Stretton, per Magistrum Thoñ de Luda, per Rog' de Grettoñ; patet eciam per modum admittendi huiusmodi Canonicos vsitatum.

In admissione huiusmodi[1], fratres conuocantur; et admittunt ad osculum nouum fratrem, communiter psalmodizant, ac communam vnius diei per communem clericum sibi soluunt.

[1] [*Infra*, pp. 137—8,155; *Lib. Nig.* pp. 274, 275.]

*Q*uod admissio vicariorum in choro sit communis, patet per deposiciones dominorum Cancellarij, thesaurarij, subdecani, Ricardi de Rowell, et Rogeri de Grettoñ.

*[*Q*]uod vicarij consueuerunt Decano et Capitulo communiter presentari, et per eos communiter admitti, patet per deposiciones Magistri Will'i de thorntoñ Canonici, Roberti Belle, Johannis de Swynderby, Thome de Ledenham, Walteri de Ringestoñ, Ricardi de Rowell, Johannis de Ormesby, Will'i le venour, Ric' de Wylouhby, Johannis de Blok', Will'i de Lenne, Galfridi Scot', testium productorum per Dominum Decanum.

* Lf. 36[b]. (Capital omitted by rubricator.)

*P*resentacio autem communis probatur per litteras presentatorum communes.

*P*remissa exercent et exercuerunt communiter Decanus et Capitulum, Decano existente canonico et p*er*[*sonali*]t*er* installato.

Nam si non fuerit personaliter installatus, non habebitur pro fratre.

Et si non sit canonicus, non habebit execucionem officij sui in diuinis exequendis, vt patet (∧ per) notorietatem vsus ecclesie, et per librum[2] quem dictus dominus Decanus adducit pro se.

[2] [*Lib. Nig.* pp. 276, 293.]

Decanus et*ium* non percipiet quicquam de communa plusquam vnus canonicus; nec discrepat quod sciatur a ceteris habentibus dignitates in ecclesia quantum ad vocem in Capitulo, qua carent nisi sint Canonici, nec ab officiacione ecclesie quando sua propria septimana racione sue prebende contingit, racione sue dignitatis in aliquo releuetur si sit presens; vnde plus confert sibi canonicatus quam dignitas, vt videtur; et racione canonicatus nichil sibi competit in communi infra ecclesiam exequendum.

Ex quo eciam iurediccio et eius exercicium sunt communia, in tot actibus quot superius numerantur, tam de iure, quam secundum vsum ecclesie antedicte, communia

esse debent in alijs; vt videtur cum specialitas contraria minime sit ostensa;

vt patet per raciones contra probaciones domini Decani factas.

Item premissa omnia que competunt Decano et Capitulo coniunctim, quando Decanus presens est, et non necligens, ipso absente per capitulum exercentur; vt dictus dominus Decanus fatetur articulando et ponendo; vnde si ipso presente sit separata, et, ipso absente per duo miliaria a ciuitate, sit capituli, et ipso reuertente sit iterum separata; per con[*seq*]uens est ambulatoria, quod commune non debet, nec vsus ecclesie hoc permittit quia inchoata per Capitulum vel auditorem seu comissar' capituli non absente, continuantur ipso presente, et vice versa inchoata ipso presente continuantur per Capitulum, seu ipsius auditorem vel commissar', non absente; quod est ita notorium quod nulla potest tergiuersacione celari.

Item, posito quod Dominus Decanus ius exercendi ea que vendicat ex ordinacione ecclesie aliquo tempore habuisset, quod non conceditur, illud spacio temporis legitime amisisse noscitur non vtendo.

Hijs visis, videantur raciones facte contra probaciones domini Decani—
Item videatur exposicio Registri quod dominus Decanus adducit pro se—
} Tradit' per Johannem de Schalby *&cet.*

[We resume now the narrative on fo. 24. See p. xcvi., above.]

PRODVCTIS autem ad probandum vsum ecclesie quibusdam testibus hinc inde examinatis, eorumque deposicionibus pupplicatis, convocatis ad certum diem tam absentibus quam presentibus canonicis in presencia capituli general*is*, processit Episcopus ad presens ad pronunciand' prout continetur in diffinicione sua, que est talis [' *Capitulum, Generale.*]

[27 Jul. 1314.]

Sentencia Episcopi Johannis diffinitiua.

IN DEI Nomine amen. Cum super iurisdiccione in ecclesia Linc̃ et personis eiusdem, ipsiusque iurisdiccionis &c....et alijs quam pluribus.

(printed, Black Book, pp. 319—322.)

* Lf. 25ᵇ, li. 28.

**De visitacione Capituli.*

POST predictam autem diffinicionem ordinatum fuit per dictum Decanum et Capitulum, quod extunc Decano volente visitare, assumerentur per ipsum et capitulum tres vel quatuor Canonici[1], qui vna cum eo examinarent examinandos, et deposiciones singulorum in scriptis redigerent, et scriptas traderent Decano, et ex illis fieret per clericum communem deposicio communis deposicionum, nominibus non expressis, pro cismate et alijs periculis euitandis, et de inuentis fieret per Decanum et Capitulum in domo Capitulari discucio inuentorum que essent (? censent) vera et que falsa, et correccio culpa-
* Lf. 26ᵃ. bilium fieret per decanum et capitulum *in communi; et sic factum extitit illa vice; et ille Canonicus qui hoc
[2] [sc. Jo. de Schalby, preb. de Newport et Dunham.] scripsit[2] vna cum clerico capituli qui tunc fuit, deposicionem communem composuit, ex deposicionibus singulorum.

Proximus autem successor domini Decani[3] sub forma consimili binis vicibus visitauit · post quod tempus cum prouisiones papales de dignitatibus ecclesie et prebendis crescerent vehementer et atte*m*ptaciones† varie sequerentur huiusmodi acceptantibus† fuit responsum in scriptis per decanum et Capitulum communiter, non diuisim, ne tabelliones adducti · verba et forma responsionis male concipiendo mutarent; quarum responsionum vna fuit talis.

[1] *Tres vel quatuor Canonici* :—The *Nouum Registrum* of Bp Alnwick (infra, p. 286) proposed to give only two assessors for Decanal Visitations, and the Dean himself might nominate one of these. If this was Bp Alnwick's own proposal, he must be credited with a desire to make matters easier for the Dean than Bp J. de Dalderby had done.

[3] Henry de Mammesfeld (or Mansfield) succeeded Roger de Mortival as Dean of Lincoln in January 1315, when the latter became Bp of Sarum.

(Responsio facta prouisionibus pupplica. *marg.*)

IN DEI Nomine amen.
Cum in negocio prouisionis facte per sanctissimum patrem dominum Johannem diuina prouidencia ('papam' *erased*) xxij^{m} domino Henrico de Morlegh' in ecclesia Linc̃ de prebenda quam duxerit acceptand', contra eundem dominum Henricum qui prebendam de Castre in eadem ecclesia Linc̃ si sibi debeatur se asserit acceptasse per venerabilem virum Magistrum Johannem de Stratford iuris ciuilis professorem[1] possessioni dicte prebende auctoritate sufficienti, vt pretendit, incumbentem, ad sedem apostolicam fit ex causis legitimis et sufficientibus appellatum, talibus scilicet quo† tecum provisionis negocium antedictum ad examen sedis apostolice ipso iure deuoluunt. Nos Decanus et Capitulum dicte ecclesie qui presentes sumus palam et pu*pplic*e protestamus in hijs scriptis [cir. 1316—34.]

quod tanquam †filij obedire parati erimus ad faciendum† illi quem euentus iudicialis in Romana Curia protulerit aut dominus ('papa' *erased*) preferrend' esse decreuerit aut, si dictus appellans in prosecucione (∧ ipsius *interlin.*) huiusmodi dicti negocij defecerit, eidem domino Henrico, quicquid circa prebendam de Castre predictam ad nos de iure vel consuetudine pertinere debebit, reuerenter et devote et mandatis† apostolice nobis pro dicto prouisionis negocio directis, et in posterum dirigendis, humiliter obedire et exi . . . . . si dicto domino Henrico acceptanti, si, nullo obstante sibi canonico, debeatur, vt ex tunc obedimus, cum aliud sine iure offensa et alterius iniuria facere in presenti minime valeamus, precipue cum appellacio dicti magistri Johannis sit non sufficienter et legitime notificata. Et hoc idem domino Henrico, et

† [*Legendum videtur* 'filii obediencie ...ad parendum.']

† [*q.d.* 'sedis.']

[1] John Stratford, afterwards Bp of Winton and in 1333—48 Abp of Canterbury, held the prebend of Castor for a short time in 1317. His successor was Walter de Blida. The name of Henry de Morley does not appear in Hardy's index to the *Fasti* within this period.

cuicunque pro ipso interuenienti, dicimus et eciam respondemus.

CONSIMILES autem responsiones quam plures possunt in archiuis ecclesie reperiri; ex quibus potest apparere, quod non ad decanum solum pertinet admissio Canonicorum, sicut verba registri quem† Rogerus de Mortiuallo Decanus pro se adduxit sonare videntur, set ad Decanum et Capitulum simul, sicut diffinicio episcopalis pretacta exigit et requirit.

Exposicio sentencie late per Johannem Episcopum.

SECVNDVM diffinicionem predictam certum est quod quantum ad causas principales, et appellacionum ac querelarum, exercicium debet esse commune, propter verbum "Judicio Capituli," ergo hoc verbum "Judicio Capituli" exigit coniunctionem Capituli cum Decano.

Huic interpretacioni concordat Capitulum extra de ver*borum* sig*nificacione* forus[1] vbi dicitur quod 'iudicium' dicitur quia iuris diccio, q*uasi* diceret · Decanus procedet in hijs que sunt regiminis animarum, morum correccionis seu iurisdiccionis iudicio Capituli · i*d est* · Capitulo cum eo ius dicente seu iudicante[2].

* Lf. 26ᵇ. Et* si in causis sit exercicium commune propter verbum 'iudicio Capituli,' ita erit in correccionibus excessuum Canonicorum, que iuxta diffinicionem debent fieri iudicio Capituli, et Capitulo assistente · i*d est* · simul statuente.

'Sisto' enim idem est (∧ quod *interlin.*) 'sto' vel

[1] Decret. Greg. lib. v. tit. xxxix. cap. 10. (Isidore in libro Etymol., 'Forus est exercendarum litium locus,' &c. 'Vocatur autem *judicium*, quasi jurisdictio, et *justitia*, quasi juris status.)

[2] The Compositio between John Waltham Bp of Sarum and T. de Montagu or Montacute, Dean of Salisbury, 30 Aug. 1392, confirmed by Pope Boniface IX., has a similar definition:—"*Judicio Capituli*, hoc est in capitulo, et capitulo, si voluerit, assistente, ac consilio capituli super hoc requisito ac eciam expectato." (*Statuta et Consuetudines Eccl. Cath. Sarisberiensis*, ed. Dayman and Jones, p. 87.)

'represento,' vel 'statuo'; et 'assisto' idem est quod 'simul sto,' 'simul represento' vel 'simul statuo.'

Set due prime significaciones non concordant cum intellectu iuris qui prefertur, grammaticali construccione iuris contenti sub diffinicione predicta. Recurrendum est ergo ad terciam significacionem cum iuris intellectu concordantem.

(*A note here in the margin says* "deficit.")

Preterea sicut in causis sunt tres persone. Scilicet actor, reus, et iudex · sic sunt in correccionibus tria, scilicet fama, loco actoris ac reus et Judex; et sicut in causis requiritur punicio, contestacio, probacio et condempnacio vel absolucio, sic in correccionibus requiruntur opposicio, responsio, inquisicio vel purgacio, indiccio ac condempnacio vel absolucio. Sicut igitur in causis exercicium est commune, sic in correccionibus debet esse commune, ex quo in vtrisque est idem modus procedendi. Et sicut est in correccionibus canonicorum, Ita debet fieri in correccionibus excessuum vicariorum que debent fieri Capitulo assistente, et in capitulo, *id est* in congregacione confratrum Capitulum faciencium, non tantum in domo Capitulari.

Quod autem dicitur,

"Item in alijs a premissis que tribuuntur decano, non expresso Capitulo, seruetur registrum sicud verba sonant[1]" · intelligendum est de hijs que non sunt regiminis animarum, morum correccionis, seu iurediccionis, qualia sunt reuerencie exhibicio, diuinorum execucio, preposicio nominis in scribendo, et prima vox in iudicijs et negociorum exposicionibus, et similia.

Cum igitur regimen animarum morum correccio et iurisdiccio sunt iudicio Capituli exercenda, vt patet ex premissis, ac visitacio, excessuum correccio, Canonicorum admissio, et induccio vicariarum†, et aliorum ministrorum collacio, et ministrorum admissio, ac alijs† similia sint iurisdiccionis · secundum interpretacionem pretactam de-

[1] These words recur in the 'Interpretacio' or 'diffinicio' 27 Jul. 1314. See *Black Book*, p. 321, Art. 8.

bent communiter exerceri. Et si visitacio facienda in ecclesia, que est principalis, sit communiter exercenda, visitacio eciam prebendalium, que sunt annexe prebendis in ecclesia existentibus, que consistunt in iure percipiendi cotidianas distribuciones, debet communiter exerceri, Cum [?secundum] regulam iuris accessorium naturam sequi congruat principalis.

Obediencia autem promissa Decano vt Decano intelligenda est vt Decano[1] cum Capitulo communiter procedenti · vbi dicitur in correccionibus excessuum Canonicorum, suple excessuum leuium, non criminum, priuacionem seu suspencionem ab officio vel beneficio inducencium ; cum crimina non contineantur nomine excessuum, set e contraria.

Interpretacio sentencie memorate :

SENTENCIA Declaratoria subscripta que in rem transit iudicatam efficit ius inter quas lata est, et ideo verba in ea posita sunt secundum mentem iuris intelligenda.

Secundum huiusmodi sentenciam exercicium iurisdicionis est commune · nam dicitur[2] in ea "quod in singulis Capitulis in quibus regimen animarum morum correccio et iurediccio tribuuntur Decano, non expresso Capitulo · Jus talia faciendi residet[3] in persona Decani personaliter *installati sub determinacione in prima parte tituli De Officio Decani expressa, videlicet 'Judicio Capituli.'"

Cum igitur visitacio Canonicorum, admissio et induccio vicariorum, et aliorum ministrorum collacio et admissio sint iurediccionis, sunt per decanum exercenda iudicio Capituli, *id est* capitulo cum eo ius dicente ; sic enim exponitur · 'Judicio' · extra de verborum significacione capitulo 'Forus[4].' Sic enim exponitur per sentenciam predictam in causis audiendis vbi dicit per quod intelligimus quid excercicium sit commune, propter verbum 'Judicio

[2] [*Lib. Nig.* p. 321, Art. 1.]

[3] ['et exercendi residet.' *ibid.*]

* Lf. 27a.

[4] ['Vocatur enim *iudicium* quasi *iuris dictio.*' Isidor. *in Libro Etymol.* apud *Decretal. Greg. IX.* lib. v. tit. xl. cap. 10.]

[1] '*tanquam* Decano' is the phrase in the *Black Book*, pp. 275, 280, 398, 399.

Capituli' in registro contentum. Sic eciam intelligendum est in correccionibus excessuum canonicorum, in quo procedendum est per Decanum cum Capitulo, i*d est* in congregacione Canonicorum faciencium Capitulum, non in domo Capitulari tantum et capitulo assistente, i*d est*, simul statuente, secundum sensum huius verbi 'assistente' magis congruum in hoc facto: sic intelligendum est vt concordet cum bulla contingente sentenciam latam inter Episcopum Grostest' ex parte vna, et Capitulum ex altera, in quo sic inter cetera continetur, "Excessus tamen Canonicorum Cathedralis ecclesie, qui consueuerunt corrigi per capitulum; per ipsum iuxta ecclesie consuetudinem hactenus pacifice obseruatam ad commonicionem et iussionem tuam successorumque tuorum infra competentem terminum eis prefigendum a te vel eisdem successoribus corrigantur[1]," sic intelligendum est vt concordet cum iure quod dicit illud idem extra de officio ordinarij Irrefragabili[2], sic intelligendum est vt concordet cum registro nouo, in quo dicitur 'excessus canonicorum et clericorum corrigere et punire' Judicio Capituli[3]; sic intelligendum est vt concordet cum vsu ecclesie in consimilibus.

Nam si canonicus non residens relinquat septimam vel stipendia ministrorum non soluendo, aut sequestrum Capituli violando, vel periurium committendo, aut incontinenter viuendo, citetur per Decanum et Capitulum communiter, et datur ei articulus communiter, si petatur. Et si ita procedatur contra non residentes, multo forcius est contra residentes taliter procedendum, ne deterioris condiccionis sint residentes quam non residentes.

Eodem modo procedendum est per Decanum in correccionibus vicariorum et clericorum, quod fieri debet in Capitulo, i*d est* in congregacione Canonicorum capitulum faciencium, et non in domo Capitulari tantum; et capitulo assistente, i*d est*, simul statuente, ne deterioris condicionis sint vicarij in ecclesia commorantes quam sint vicarij in ecclesijs prebendalibus degentes, qui si mandatis Decani et capituli non pareant, seu sequestrum Capituli violent, proceditur per Decanum et Capitulum communiter contra eos.

[1] [*Lib. Nig.* cf. 17[b], li. 20 = p. 318.]

[2] [Decret. Gregorii lib. I. tit. xxxi. cap. 13. (Innocent III. in concilio generali.) See *Black Book* (marginalia), p. 422.]

[3] [*Lib. Nig.* p. 280.]

Item sequitur in diffinicione predicta, "In alijs a premissis que tribuuntur decano, Capitulo non expresso, seruetur registrum sicut uerba sonant[1]." Hoc est intelligendum in alijs a iurisdiccione, morum correccione, et regimine animarum; qualia sunt honoris exhibicio, diuinorum execucio, preposicio nominis in scribendo, prima vox in iudicialibus et negociorum exposicionibus, et similia.

[1] [*Lib. Nig.* p. 321, Art. 8.]

Et 'sicud verba sonant,' *id est*, non solum grammaticaliter, sed legaliter[2].

[2] '*Sonant*, scilicet legaliter non tantum grammaticaliter; quia ius constituunt.' *Black Book*, pp. 321—2, margin (Art. 8).

In sentencia predicta dicitur sic, 'In singulis capitulis in quibus regimen animarum morum correccio et iurisdiccio tribuuntur Decano et capitulo, non expresso[3].' Ad quod dici potest *quod in nullo Capitulo contento in registro tribuitur Decano iurediccio exercenda per se. Nam in singulis Capitulis iurediccionis, exprimitur, seu exprimi debet, 'Judicio Capituli,' capitulo cum eo Jus dicente. Primo declarat singula Capitula in quibus continetur Decano iurediccio fore exequenda Judicio Capituli, vsque ad illa verba · per quod intelligitur &c. Et ibi exponit verbum 'Judicio Capituli' in Causis, dicens quod exercicium sit in eis commune, propter verbum 'Judicio capituli.'

* Lf. 27b.

Tercio, exponit verbum Judicio capituli in correccionibus canonicorum, dicens quod Decanus in eis "procedat, corrigat, et puniat iudicio Capituli. Hoc est in Capitulo, et capitulo[4] assistente," quod debet interpretari in Capitulo, hoc est in congregacione canonicorum capitulum faciencium, et capitulum cum eo statuente, vt non sit diuersitas set paritas in Causis et negocijs correccionum. Nam sicut in Causis requiruntur tres persone, scilicet actor, reus, et judex, sic in negocijs correccionum requiruntur fama (loco actoris) et reus, et iudex. Et sicut in causis requiruntur citacio, libellus, contestacio, probacio et sentencia, sic in negociis requiruntur citacio, obuiacio, responsio affirmatiua vel negatiua. Inquisicio vel purgacionis indiccio, et pronunciacio. Et idem dicendum est in correccionibus vica-

[4] ['si voluerit': *Lib. Nig.* p. 321, Art. 3.]

[Cf. p. cvii, supra.]

[3] *Black Book*, p. 321 (Art. 1), not quite accurately quoted here.

riorum et clericorum, que debent fieri in Capitulo, et capitulo assistente.

Visitacio autem, Canonicorum admissio, et induccio vicariorum, et aliorum ministrorum collacio et admissio, sunt iurediccionis, et per consequens sunt Judicio Capituli exercenda, vt in principio dicitur, non tamen exponitur iudicio capituli. Stabitur ergo exposicioni iuris qui† est copulacio cum capitulo ius dicente.

Et est sciendum quod quondam Decanus nomine Will'mus de Lexinton'[1] componi fecit nouum registrum de quo loquuntur [in] dicta sentencia et poni in ea verba dubia facienda[2] pro eo, et exposicione indigencia, et illud ostendi fecit suo tempore Canonicis de nouo factis et sic dictum registrum nouum inoleuit.

["*nouum regis-trum.*"]

[2] *Legendum videtur* 'faci-encia.'

Non tamen per illud nouum vetus registrum abrogauit · quoniam verba dubia posita in nouo debent exponi secundum illud, quoniam contenta in illo veteri magis sunt consona consuetudini vsitate.

Consuetudine prescripta non poterat se decanus iuuare quoniam a tempore dicte sentencie quatuordecim anni vix sint elapsi, nec consuetudine precedenti, quoniam illa est per decani sentenciam reuocata vel saltem interrupta per litis contestacionem premissam...inter partes.

1314, 1328.

Nec obstat assercio dicencium quod Capitulum, si delinquat, non potest corrigere se ipsum, quoniam si Capitulum totum delinquat, habet Episcopum correctorem suum de iure. Et si singulares persone delinquunt, corrigantur, de consuetudine, per Capitulum simul iunctum, vt notat dominus Hostiensis[3] extra de officio ordinarij ca. 'Irrefragabilis,' super verbo 'per Capitulum.'[4]

[4] [In *Decretal. Greg. IX.* lib. I. tit. xxxi. cap. 13.]

Sic sentit qui predicta scripsit de sentencia memorata

[1] W. de Lexington, Dean of Lincoln 1263—1272. The order De firmis ('Ut ecclesiarum cure') was made in his time, and appears in Schalby's collection, lf. 17ᵃ, as well as in the *Black Book*, p. 298.

[3] Henry of Susa (de Segusio), Cardinal Bp of Ostia, most eminent among civilians and canonists, the master of Durandus, wrote the great commentary on the Decretals, *Lectura seu Apparatus super Quinque Libros Decretalium*, about A.D. 1260, the *Aurea Summa*, and *Expositio in Sex Libros Decret.*

probabiliorem seruare sentenciam, si quis eum informare de ea voluerit, non contempnens ; sed non est aliquis qui suis vult respondere motiuis.

Specialis iniunccio Johannis Episcopi de collacione cantariarum.

* Lf. 28ᵇ. HIC Visitacione.....quedam *clausula...bene nouit · (printed below, p. 233, *n.*)

[Death of J. de Dalderby 2. Id. Jan. 1319, related, *loco citato*, by his former secretary and registrar, John de Schalby, prebendary of Lincoln.]

(14.) *De eleccione magistri Antonij de Bek, et prefeccione Magistri Henrici de Burewasch'.*

ANNO autem quo dictus Episcopus Johannes obijt, iij Non' Febr' electus fuit in Episcopum Magister Antonius Bek, ecclesie Linc' Cancellarius, per viam scrutinij[1] set dominus ('papa' *erased*) Johannes xxij[us], pretendens se episcopatum Lincoln' sue collacioni reseruasse, contulit illum Magistro Henrico de Borowasch', nacione anglico, qui in partibus transmarinis auctoritate ('pape' *erased*) munus consecracionis accepit, pro cuius admissione in Episcopum dominus ('papa') scripsit Capitulo Linc̃ sub hac forma.

[3 Feb. 1319.]

[At Boulogne, 20 July, 1320.]

¶ Johannes episcopus seruus seruorum Dei dilectis filijs Capitulo ecclesie Linc̃ salutem et apostolicam benediccionem.

Suppreme dignitatis fastigio licet immeriti precedentes super gregem dominicum nostre vigilancie creditum vigilis speculatoris officium exercemus, circa illa potissime intentum animum dirigendo curam imponendo sollicitam, per que domini cultus augmentum, exaltacio catholice fidei, et commoda salutis perueniant animarum que, prout firma

[1] The life of H. de Burghersh, edited by Dimock and Freeman (Girald. Cambr. vii. p. 215), adds here 'Henrico de Mannesfeld, decano Lincolniensi antea in episcopum electo, sed electioni de se factæ non consentiente.' This is expressed in Schalby's own ms. in other words below.

spes suggerit, ex eo facilius et efficacius subsequi poterunt, si ecclesijs pastore carentibus personas preficiamus ydoneas eas viris prouidis committamus, qui commissos sibi populos propter suam circumspeccionem prouidam et prouidenciam circumspectam dirigant et informent, ac bona ecclesiarum ipsarum non solum gubernent vtiliter, set eciam multimmodis efferant incrementis.

Dudum siquidem, bone memorie Johanne Linc̃ episcopo regimini in vestra Linc̃ ecclesia presidente, nos cupientes eidem ecclesie, cum per ipsius obitum, vel aliquo quocumque, eam vacare cont*i*ngeret, nostre operacionis ministerio personam vtilem preficere, prouisionem ipsius ecclesie, cum eam, vt premittitur, vacare cont*i*ngeret dispositioni nostre et sedis apostolice duximus specialiter reseruandam. Decernentes ex tunc irritum et inane se †secus super hijs per quoscunque scienter vel ignoranter quauis auctoritate contingeret acceptari. Deinde vero eadem ecclesia per obitum ipsius Johannis solacio destituta pastoris, vos, qui eratis forsan nostre reseruacionis ignari, dilectum[1] filium Henricum de Mammesfeld, Decanum eiusdem ecclesie de facto, in Linc̃ Episcopum elegistis. Et quia idem Decanus huiusmodi eleccioni de eo facte non consensit, vos Dilectum Antonium Cancellarium ipsius ecclesie[2] in Lincolñ episcopum de facto eciam elegistis. Idemque Cancellarius eleccioni de se facte consenciens, eleccionem *ipsam pecijt a venerabili fratre nostro Cant' Archiepiscopo[3] loci metropolitano auctoritate metropolitica confirmari. Idemque Archiepiscopus certis in hac parte commissarijs eadem auctoritate commisit vt, si eleccionem huiusmodi inuenirent de persona ydonea canonice celebrata, eam auctoritate sua confirmare curarent. Et quia interim huiusmodi nostra reseruacio ad archiepiscopi et commissariorum predictorum peruenit noticiam, et tam †deinde iidem commissarii quam Archiepiscopus noluerunt, prout nec debuerunt, eleccionem huiusmodi confirmare; predictus Cancellarius ad sedem apos-

† [*Forsan leg.* '[esse], si se'.]

[2] [Ant. Beek Chanc. of Linc. 1316, Dean, 1329. Bp of Norwich, 1337.]

* Lf. 28[b].

[3] [Walter Reynolds, Abp.]

† [The word may be '*tan*-dem' (in place of 'tandem tam').]

[1] H. de Mammesfeld had been Dean since 1315. He died in the winter of 1328.

tolicam appellauit, et pro huiusmodi appellacionis sue negocio prosequendo personaliter ad eandem sedem accedens negocium ipsum in consistorio proposuit coram nobis.

Nosque eleccionem ipsam, quia inuenimus post et contra reseruacionem nostram huiusmodi attemptatam; irritam decreuimus et inanem, ac eciam postmodum de ipsius ecclesie ordinacione, ne prolixe vacacionis exponeretur incommodis sollicite cogitantes, post deligenciam† quam ad preficiendum eidem Linc̃ ecclesie ydoneam et approbatam personam cum fratribus nostris habuimus vigilanter, demum ad dilectum filium Henricum electum Linc̃, Canonicum Ebor*um*[1], in sacerdocio constitutum literali sciencia preditum, generis nobilitate preclarum, morum et vite honestate decorum ac alijs multiplicibus meritis insignitum, aciem direximus mentis nostre. Licet enim dictus Henricus paciatur in etate defectum, in vicesimonono etatis sue anno, vel circiter illum, constitutus esse dicatur. Huiusmodi autem defectum suplet suorum probitas meritorum, que sibi contulit diuina bonitas affluenter. Ideoque, premissis omnibus debita meditacione pensatis, sperantes quod eadem ecclesia per ipsum tum spiritualibus quam temporalibus poterit salubriter gubernari de persona sua, nobis et fratribus nostris, ob predictorum exigenciam meritorum acceptam, ipsi Linc̃ ecclesie, defectu predicto seu quacunque constitucione contraria, nequaquam obstantibus, super quibus cum eodem Henrico de certa sciencia auctoritate apostolica dispensauimus, de dictorum fratrum nostrorum consilio, et apostolice pietatis plenitudine prouidimus, dictum Henricum illi preficimus in episcopum et pastorem, curam et administracionem ipsius ecclesie Linc̃., ecclesie† sibi in eisdem spiritualibus et temporalibus committendo. In illo qui dat gracias et largitur premia confidentes, quod eadem ecclesia Linc̃. *per* sue circumspeccionis industriam et prouidenciam circumspectam non solum preseruabitur ab aduersis, verum eciam salubria in eisdem spiritualibus et temporalibus diuina fauente clemencia suscipiet incrementa.

[1] [H. Burghersh, preb. of Riccall, York, 1316—20.—(H. Beaufort held the same stall later.)]

Quocirca discrecioni vestre per apostolica scripta Mandamus quatenus eidem electo, tanquam patri et pastori animarum vestrarum, humiliter intendentes, et exhibentes ei obedienciam et Reuerenciam debitas et deuotas, eius salubria monita et mandata suscipiatis deuote, ac efficaciter implere curetis.

Alioquin, sentenciam quam idem electus rite tulerit in rebelles ratam habebimus, et faciemus, auctore Domino, vsque ad satisfaccionem condignam inuiolabiliter obseruari.

Dat' Auinioñ · vj · Kaleñ · Junij, Pontificatus nostri anno Quarto. [Avignon, 27 May 1320.]

Et est notandum quod dominus papa scripsit Capitulo soli, nulla mencione facta de Decano, supponens, vt supponitur, ipsum Decanum nomine *Capituli, tanquam partem Capituli, contineri · sicud cauetur expresse[1] extra · de consessione† prebende et ecclesie non vacantis · c · 'post eleccionem,' cum ordinaria sua glosa. * Lf. 29ᵃ. [1] [Decret. Gregorij, lib. III. tit. viii. cap. 7. (Innocent III. to Archdeacon of Richmond.)]

Hic a Rege Edwardo, Edwardi Regis filio, circa inicium Assumpcionis sue ad Episcopalem dignitatem licet ad instanciam dicti Regis fuisset assumptus, plurimas fuit voluntarias persecuciones perpessus, quas cum paciencia sustinuit commendanda.

Huius Henrici tempore ordinatum fuit per Decanum et Capitulum de oblacionibus factis ad tumbas sanctorum, prout sequitur.

Constitucio facta de oblacionibus factis ad tumbas distribuendis.

MEMORANDVM Quod cum frigescente hominum deuocione erga ecclesiam et sanctos Dei &c....dictarum tumbarum. [Lincoln, 19 Jan. 1321—22.]

(Printed, *Black Book*, p. 335—6. The tombs in question were those of St Hugh Bp., and his successors Rob. Grosseteste, and John de Dalderby.) Four lines omitted

by the scribe are added at the foot of the page in Schalby's book. The Black Book was correct.

† Lf. 29ᵇ. li. 27—31. †Ordinarunt insuper dicti Decanus et Capitulum quod de cetero nulli mutuetur *&c.*...specialiter euocatis.

(Printed, *Black Book*, p. 338 bottom.)

‡ Lf. 29ᵇ. li. 28—31. Lf. 30ᵃ. 1—3.

‡*De mutuo ex tumbis concedendo.*

POSTMODVM · x · Kaleñ · Marcij Anno Domini supradicto extitit ordinatum quod ex tunc nulla summa pecunie *&c.*...debitam de eisdem.

(*Black Book*, pp. 338—9.)

Protestacio Thesaurarij.

[*De Horologio.*] [Lincoln 31 Mar. 1324.]

MEMORANDVM quod cum noui horologij construccio[1] in ecclesia Linc' cum emerserit facienda et antiqui pre vetustate dirruti vel deleti ac alias omnino inutilis... Acta† et dat' in domo[2] capitulari ecclesie Lincoln, ·ij· kal. Aprilis Anno domini M° · ccc° · xxiiij° · Presentibus dñis et magistr' H. decano...Thoma de Conbrugg'[3], Johanne de Sutton, Johanne de Schalby[4], Egidio de Redmer' et Ricardo de Stretton, et Ric' de Croft' notario.

[2] 'loco' *Lib. Nig.* p. 351.
[3] Corbrig', *ibid.*
[4] Scalleby, *ibid.**

(Here follows, in Schalby's own book, a memorandum on the extension of the privileged place of sanctuary.)

HIC eciam Henricus Episcopus a Rege Edwardo tercio a conquestu, cuius fuit Cancellarius, inpetrauit vt in pallacio eiusdem Episcopi Linc' vel in domibus Canonicorum circa ecclesiam Linc' infra clausuram eiusdem constructis vel in Cimiterio eiusdem ecclesie vsque ad easdem domos protendente existentes, vel confugientes ad ea, gauderent immunitate qua gauisuri essent intra eandem ecclesiam existentes prout in Cartis regijs super hoc con-

[1] In Chapter Acts, lib. II., lf. 4ᵇ, is entered *Juramentum Thome Orologiarij.*

* 'Schalbij' is the spelling of the name where it appears in this document in his own book; *not* 'Scallebij' as in *Liber Niger.*

cessis · et in Archiuis dicte ecclesie existentibus plenius continetur[1].

De consuetudinibus non redactis in scripturam.

SVBSCRIPTA pro consuetudinibus obseruari vidi tempore quo resedi[2] scilicet per annos [*vacat*] et amplius et ea nullicubi reperi esse scripta.

[2] [J. de Schalby Canon, cir. 1299—1333. Registrar to Bp Sutton 1282—99.]

TEMPVS Residencie in Cathedrali ecclesia Linc' faciende continet duas partes anni scilicet xxxiiij Ebdomodas et quatuor dies non oportet *autem quod huiusmodi residencia...

* Lf. 30[b].

(Here follow the paragraphs which are printed among our Lincoln Customs, pp. 163—174 (see also 162) below. The marginal titles in black ink, and the original *rubricellæ*, distinguished here by *italic* type, as above, are as follows:—)

De le seyneis,

4[or] persone ecclesie.

De exhibicione succentoris (per Cantorem) et Vicecancellarij (per Cancellarium).

Nota pro Vicarijs choralibus.

Prebende non soluentes septimas (Centum Solidorum, Sexaginta Solidorum, Thorngate, Bedeford minor, S. Botulphus, Omnium Sanctorum).

[1] The collection of 'Lives of the Bishops of Lincoln' by Joh. de Schalby, printed by the late Mr James F. Dimock in 1877, and edited by E. A. Freeman for the Master of the Rolls, ends with the note about the extension of sanctuary. In the preceding document concerning Thomas of Louth's gift of a clock to the Cathedral Church where he was Treasurer (1321—29), it omits the name of the notary, and it is in fact expressed in an abbreviated form, as Mr Dimock was aware, although he appears not to have realised the full contents of Schalby's own MS. at Lincoln. About fifty years after T. de Luda's gift one of his successors, the munificent J. de Welborne (treasurer cir. 1350—81), presented another clock of which there is a sketch in the Gough collection at Oxford. One of the quarter-jacks (an armed man) has been preserved in the library at Lincoln. The clock-case served for some years as a pulpit canopy at Mersingham, whence the late Bp Edward Trollope, F.S.A., rescued it, and it was restored in 1894 to its original use for the clock presented to the north transept of the Minster by Miss Alicia Blakesley, in memory of her brother, the Rev. Arthur Blakesley, of Bishop's College, Calcutta.

Distribucio in fine anni.

Custos Altaris B. Petri, Prepositus, Sacrista, Clericus
(* Lf. 31ª.) ecclesie, *Clericus custos, Clericus sacriste, Clericus ducens columbam, Hostiarius.

De distribucionibus faciendis in aperturis.

[Item, super Compotum.]

De amocione vicar' facienda per residenciarios.

De habentibus solas dignitates.

De incessu in processione.

(* Lf. 31ᵇ. li. 2.) **De presentacionibus faciendis ad ecclesiarum parochialium vicarias.*

De nominacione sacriste [per Thesaurarium].

De officio prepositi.

De officio custodis altaris beati Petri.

De prefeccione ministrorum.

(* Lf. 32ª.) **De exercicione iurediccionis per prebendarium.*

De cartis non commodandis.

Nota pro visitacione.

De statu puerorum. De choristis.

QVOD autem dicitur in registro · quod puerorum instruccio &c. ... pertinet ad Cantorem · (a reference here to the *Black Book*, p. 283.)[1]

* Lf. 32ᵇ. *SEQVITUR TAXACIO Prebendarum secundum quam soluitur septima non residencium. (Prebende : Precium prebendarum : Septima.—54 entries.)

Summa prebendarum secundum quod datur septima de eisdem · D · cccc · $\overset{xx}{\text{iiij}}$ · xvj *li* · x · *s.*

Summa septime de dictis prebendis debit' · C · xlv · *li* · ij*s* · vij · *d.*

Schalby mentions (lf. 7ª) as the one fault for which Oliver Sutton needed to repent before his death that having been deputed by the Holy See to tax churches for the tenth granted for the Holy Land, he allowed the prebends and churches of his diocese to be too highly rated.

[1] Schalby himself seems to have had care of the Choristers; he resigned the charge, 8 July, 1329. *Chapter Acts* II. (A. 2. 23) lf. 14.

** De dimissione vicarij.* * Lf. 33a. li. 24.

DE Consuetudine racionabili et prescripta in Linc' ecclesia obseruata Canonicus habens vicarium, et volens residenciam facere personalem, &c....prouideatur eisdem. [17 Mar. 1325—26.]

(Printed, *Black Book*, p. 351.)

** De collacione Altarium.* * Lf. 33b. li. 4.

MEMORANDVM quod cum inter magistrum Henricum de Mammesfeld Decanum ecclesie Linc' pretendentem se conferre...specialiter nominauit. [11 Apr. 1326.]

(Printed, *Black Book*, p. 352.)

De presbiteris non admittendis ad vicariam.

MEMORANDVM quod Mense Nouembri Anno Dñi Millesimo CCC^mo^ sexto Magistris Thoma de Luda thesaur' habente *&c.*.....scripture memorie commendata. [Nov. 1326.]

(Printed, *Black Book*, p. 353.)

De collacione Cantarie.

*SEPTIMO Idus februar' Anno Dñi Millesimo CCC^mo^ xxvj^o^ ordinatum fuit in Capitulo ecclesie Linc' quod Cantarie ex tunc non conferrentur nisi prius videretur ordinacio cantarie. * Lf. 34a. Feb. 1326.

Collacio Officij vigilis.

MENSE Maij Anno Dñi Millesimo CCC^mo^ xxvij^o^, circa inicium mensis, congregatis in domo Capitulari ecclesie Linc' Decano et Canonicis residentibus *&c.*...ab antiquo appropriatas, exceptis.

(Four paragraphs on Residence occur, without rubric or heading, on 34a, 34b. The first and last words are,

¶ Item si contingeret canonicum aliquem incipere residenciam, et postmodum languere...set si contingat in ·D· ministrare tenetur.

Printed below, pp. 173—4.)

[The greater part of lf. 34^{b} was originally left blank. Subsequently a short extract relating to Precentor and Chancellor has been repeated from lf. 30^{b} above. Later again the statute of J. Chadworth, Bp. '· De · xl · diebus absencie privilegiatis,' A.D. 1467, has been crowded in. The original hand resumes on lf. 35^{a} ———.]

Rubricelle, &c. (The pleadings of J. de Schalby, already given in their historical context in this Introduction, pp. xcvii—ciii.)

After the conclusion of the '*Rubricelle · J · de Schalbij facte super probacionibus suis proprijs* (occupying leaves 35—36), the remainder of leaf 36^{b} is blank.

On leaves 37^{a}—43^{b} follows the '*Consuetudinarium de Diuinis Officijs*,' 'Cum consuetudinis vsusque longeui, *&c.*

(Printed, *Black Book*, pp. 364—396.)

Then

De Obitibus, on leaves 44, 45. (Of this some account will be given near the end of this Introduction); next

'· lich ·' (Lichfield Cathedral Customs.)

(Printed below among Lincoln Statutes, pp. 11—25.)

Then comes a later addition, 'De Visitacione Ecclesie Omnium Sanctorum de Derby A.D. 1508,' occupying a six-leaf quire of coarser parchment.

A 4-leaf quire of paper is appended. It contains

Redditus de Eyton. Darley†. Procuraciones Ecclesie Collegiate Omnium Sanctorum de Darby.

(The 4th leaf is blank.)

Explicit Libellus Johannis de Schalby.

[J. de Schalby's eyesight failed, and he had an assistant Walter de Grenewych, appointed in 1333. His will was proved 30 Oct. 1333.]

The following section from the *Registrum Antiquissimum* gives the account furnished by the 'director' of that manuscript, a contemporary, and an eyewitness of the funeral of J. de Schalby's patron, Bp Oliver Sutton, in

1299 (see above, p. lxxiii); also a summary of the fees paid by the same prelate at his consecration and enthronization in 1280: and likewise the 'process' furnished (from Chichester) for his election, or for that of either his predecessor, Ri. de Gravesend, or his successor, John de Dalderby. Oliver Sutton himself (as Schalby tells us) was elected '*per viam inspiracionis*,' 1 Feb. 1280, and his successor, J. de Dalderby, '*per viam scrutinii*,' 15 Jan. 1300.

At the foot of 192[b] what Bradshaw calls 'the directing hand[1]' has written from the scribe's own observation the following interesting contemporary record[2] relating to the burial of Bp Sutton in 1299.

Et ad exemplum futurorum, quod vidi gestum circa funeracionem dñi Oliueri episcopi Linc', hic duxi inserend.'

Per diem[3] veneris sancti Bricij mane apud Netelham migrauit ad Dominum Anno vero M · cc · nonagesimo nono, et consecracionis sue · xx° · currente · cuius corpus, dissposítum ut decet, conseruatum fuit ibidem usque diem sabbati per octo dies sequentes.

[3] [*Forsan leg.* 'Pridie'.] (Th.—Fr. Nov. 12—13, 1299.)

[1] Can this directing hand be that of John de Schalby himself? In his own book (lf. 7[a]), speaking of the walling of the close in the time of K. Edward I. and other doings of Bp Oliver Sutton, he says, 'Hec omnia noui, qui ea de ipso scripsi quum in domo ipsius fui per annos octodecim registrator,' i.e. from 1282 (the third year of Bp Sutton till his death 13 Nov. 1299). But it may be questioned whether Schalby accompanied the Bishop so early as his 'confirmation' in 1280.

[2] The writing in this passage is crabbed; but by good fortune when the day came for correcting the press my brother, the Bishop of Salisbury, chanced to be visiting Lincoln. I have therefore had the advantage of his rare experience, as well as that of Mr Maddison, to help me over the difficulties which I had encountered on this page. The Bp of Sarum was inclined to view these passages as the transcript of an ignorant scribe from a record now lost. However there is something in the writing which reminded me of the no less careless writing of Ant. Beek in the margin of his own book, and I see that Bradshaw, in 1881, recognised in the present *memoranda* an original writer of the time, the director of the register itself, and a contemporary with Bp Sutton. The canons and dignitaries of those days were not always the clearest writers of their time, and probably the clerk of Re and Ve, or the sacrist's scribe, was a better writer and speller than his master. It was left for prelates of a later day (George Moberly, Charles Wordsworth, provost Okes, &c.) to write more prettily than print, and to spell beyond suspicion.

Quod eciam canonici de ecclesia singuli, saluo seruicio ecclesie, cotidie visitarunt, dicendo super corpus commen-
[Sat. 21 Nov.1299.] dacionem sine cantu. Dicto vero die sabbati, omnes canonici de ecclesia equitarunt ad locum, et post dictam commendacionem sine cantu · parentes et propinqui sui nobiles feretrum portantes in humeris usque ad medium itineris, et ibi pauserunt, *crucem* ibi*dem* erigere dissponentes · et exinde canonici precesserunt ad ecclesiam, pro se
[1–1] 'epi*sco*pis perti*nenti*† (*pro* '-tem'):— Jo. Sar. vestiendis ad occurrendum corpori iuxta morem [1][t]*emporis* pre*teri*ti[1], pausa[cione] facta, p*arentes* feretrum portauerunt usque ad portam ciuitatis · et ibi maiores de ciuitate, illud ex debito uendicantes, sumpserunt in humeris, et
§ A monogram (or sign to direct the insertion) follows here. portarunt usque ad portas§.

[On the middle of the page is written possibly (I think) by the same hand, but with a better pen, a memorandum relating to the fees which had been paid by the same Bishop on his appointment in 1280—81.]

De incumbentibus electo.

Hec que secuntur vidi de facto fieri [de dño Oliuero episcopo] · et ideo pro instruccione futurorum in casu consimili hic ea annotaui.

De electo veniente ad curiam dñi Regis, habebit camerarius · c · s.

Item marescall' dñi comitis Mariscalli habebit palefridum electi.

Item pro duabus paribus literarum patencium dabit cancellario · xxij · s.

Et dicitur quod electus tenetur prouidere vni de clericis dñi Regis in beneficio prebendali[2].

Et iurabit fide*litate*m dño Regi.

Veniens autem subsequenter dictus electus ad curiam

[2] The Primate likewise claimed the right to exercise his 'option' by appointing to the first prebend which fell vacant in the patronage of any See to which he had recently consecrated a bishop. It is found that Abp Cranmer largely exercised this right. See his *Register* fo. 80[a] cited by Bp Gibson, *Codex Juris Eccl.* tit. 5, cap. 3, p. 115.

dñi Cant'. confirmandus[1] (∧ et expeditus) m*in*istrari faciet Camerar' · xx · s · pro feodo suo.

Mariscallo aule · xx · s.

Et hostiario aule · xx · s.

De donariis ('fac*tis*' *altered to*) fac*ien*dis dño Regi et familie in festo consecracionis facie*n*dis, certum non accepi, et *ide*o n*on* scripsi.

Rursus post consecracionem accedens episcopus ad ecclesiam Linc' intronizandus per Archid' Cantuar,—idem arc*hi*d' habebit palefridum episcopi cum toto harnesio, ocreis, calcaribus, capll'a, et cirotecis: ad valuas cimiterij.

Et post prandium habebit cuppam argenteam dñi episcopi, cum · x · marcis pro exp*ens*'.

Hanc protestacionem fecit dñs O[liuerus] Linc' episcopus die intronizacionis sue. [8 Sept. 1280.]

Dñe archidiacone Cantuariensis[2]. Quia quedam sunt circa intronizacionem episcoporum Cantuariensis prouincie [que] vobis de iure consuetudinar' liquido debentur, de

[1] The 'Profession' of Obedience to the See of Canterbury made by J. de Dalderby, Bp Sutton's successor at Lincoln, may be seen in Dimock's *Girald. Cambr.* vii. p. 212, printed from Schalby's Memoirs of Bishops. It agrees almost word for word with the form printed by Maskell in *Monumenta Ritualia* (1882) ii. p. 263, from a 15th cent. MS. Pontifical at Cambridge.

A note on the Archbishop's ancient claim to certain prebends, and on the intrusion of Cardinals by the Pope chiefly in the 14th century, will be found at the close of the ensuing Treatise of L. de Somercote 'on Canonical Elections.'

[2] This important archdeaconry (Canterbury), was one of the first pieces of preferment in England which the Popes claimed, and one which they were very slow to relinquish. Among *Archdeacons of Canterbury*, not to name other foreigners, the following *Cardinals* are numbered:

circ. 1270. Othobone di Fresco, the famous legate. Elected for Pope in 1276, he received the title of Adrian the Vth, but died before consecration, still in deacon's order only.

1324. Reymund de Fargis or del Goud, de la Goth, who held various English deaneries. A nephew of Clement V.

1346—70. Peter Rogerii, who became Pope Gregory XI.

1406—8. Angelo, bp of Ostia.

1424—33? Prosper Laurentii de Columna.

alijs vero dubium est apud multos; protestor publice, quod ea que certa sunt et plana, vobis libenter confero et concedo · alia vero, de quibus incertum est aut dubium, vobis titubans dimitto seu permitto · absque preiudicio iuris mei, vel aliorum in casu consimili.

Et tunc archid' leg' transcriptum registri Cantuar sic dixit in hiis verbis. Uideat ille qui de[be]at episcopos†.

Transcriptum Registri Cantuar', vt dicebat archidiac. Cantuar', quod pro se exhibuit. Uideat ille qui debeat episcopos intronizare quod · //.

On Canonical Elections.

The process of election (*prefixed* to the above-cited reminiscences) is written in the neat hand of the beginning of the reign of K. Edw. I. (the director himself having written nothing but the heading, '*prima pars,*' and 'de tractatu eleccionis.')

We learn from Tanner (*de Scriptoribus*, p. 681) that Laur. Somercote (alias Somerton) was born in the South of England and became official of Bp Walter of Norwich in 1247, and of 'Richard (II.) of Chichester,' where he was canon, in 1254. (There is probably a slight error here as to the date, for St Richard of Chichester died 3 Apr. 1253.)

Being brother or kinsman of Cardinal Robert Somercote, Laurence was subdeacon of the Pope. His *Summa* (or *Summula*) *de formis electionum Episcoporum*, was noted by Tanner in the Bodleian at Oxford (MS. Bodl. 490); also in Bp Moore's library (now the property of Cambridge University, which has another copy also); in MS. Bibl. Reg. Westmon. 10 c. ii. 2 (liber quondam S. Mariæ, Reading), and 11. c. v. 2.; MS. Lambeth 49. fol., where the date is thus given, "Perfecta fuit hæc *Summa* a Laur. Somercot', mense Julio, A.D. 1254." (See also Bibl. Reg. 10. c. 2.) Doubtless Somercotes composed it on occasion of the death of Richard de la Wich, in April

1253, whose successor as Bp of Chichester was John Clipping, canon and Chancellor of Chichester.

Dr J. Wickham Legg has most kindly supplied me with notes from the Lambeth MS. 49, lf. 104[b] foll. from which I have selected the various readings marked '*L*'.

[TRACTATVS (sive SVMMA) LAVR. DE SOMERCOTES DE ELECTIONIBVS EPISCOPORVM (A.D. 1253—4).]

*[O]mnibus sancte matris ecclesie filijs ad quos presens scriptum peruenerit · Laur' de Somercotes[1], dñi pape *sub-diaconus*, canonicus Cicestr', graciam in presenti et gloriam in futuro. * *Regist. Linc. Antiquiss.* fo. 189, no. 922. (Date of MS., cir. 1280.)

Licet circa diuersas formas electionum faciendarum[2],

[1] In the Harleian MSS. Catalogue, Cod. 669, the first article is described as 'Tractatus Laurentii de Somertone, Dñi Pape Subdiaconi et Canonici Licestrensis (? Cicestr.), de modis eligendi episcopum; præsertim secundum consuetudinem ecclesiæ Cicestrensis.'

L. de Somercotes was one of those who signed the Chichester Cathedral Statute 23 July, 1247, next after the 'Personae' and Archdeacon, as "Laur. de Summercote, tunc officiali domini Episcopi Cicestr'." His brother Robert, the cardinal, 'a grave writer, and well beloved of all men,' died in 1241. (From Thynne, ap. Holinshed, *Chron.* IV. p. 1166 a.)

[2] A paper by Dr J. Wickham Legg, F.R.C.P., F.S.A., "*On the Three Ways of Canonical Election*," i.e. by *Inspiration* (or Acclamation, and *nemine contradicente*) by *Scrutiny* (by the majority of the votes, oral or written, collected by appointed scrutators) or by *Compromise* (through a select committee with absolute powers) has been printed for the *St Paul's Ecclesiological Society's Transactions*, iii. 299—312 (4°, 1895), while our text was in printing. Dr Legg's paper deserves to be studied by all who take part in ecclesiastical and academical elections.

The Volume of *Cambridge University and College Statutes*, which was prepared by HENRY BRADSHAW by order of the Syndics of the University Press and published in 1883, gives many specimens of academical and collegiate elections as they are carried out in our own day. They illustrate the canonical methods of election (for the most part *per viam scrutinii*) set forth in the constitution *Quia propter* and the commentary of Laurence Somercotes. Students who are interested in this line of research will find the modern references for Cambridge as interesting in their way as the precedents which Dr Legg has sketched from the old

[The words here and elsewhere given *in square brackets*, except the headings of sections, are found in *L.*]

tam in ecclesiis cathedralibus, quam aliis, varii periti [iuris periti] uarios tractatus composuerunt subtiles pariter et diffusos · quia tamen uidentur pocius teoricas disputaciones quam operaciones practicas edocere: et quia circa modum et formam procedendi ad eleccionem de facto, nec non et confeccionem decreti, et aliarum literarum que in huiusmodi exiguntur negotiis, interdum non absque magno pericl'o deuiatur: for*mas* predictorum omnium, ad utilitatem simplicium, sub compendio tradere dignum duxi vnum postulans a lectore, ut si quid laudabiliter scriptum inuenerit: attribuat illud Deo · si quid uero minus

'minus bene uero': *L.*

statutes of Oxford Colleges in his *Three Ways of Canonical Election* 1895, p. 306.

For election of the Chancellor at Cambridge the V. C. and Proctors in scrutiny take the votes in writing. The members of the Council in seniority nominate; and then each marks two of the persons nominated, so as to find by majority two names of candidates to be presented to the Senate for election. For electing a Proctor, two Masters of Arts take their own votes and those of others in scrutiny by the words '*Placet*' or '*Non Placet.*'

At Peterhouse for electing a Master of the College, after morning prayers, non-electors having withdrawn, the chapel doors being closed, the three senior fellows act as scrutators and take separately their own (written) votes and then those of other fellows (which are gathered in a college cap). The junior scrutator reads the votes aloud, and when a majority appears in a first or second scrutiny the senior declares the election. If a *third* scrutiny is requisite, it must be held within three days. If a majority is still lacking, the Bishop as Visitor (or, *sede vacante*, the Guardian of the spiritualities of Ely) appoints.

At Pembroke, the senior fellow reads an injunction in Latin. The hymn '*Come Holy Ghost*' and the collect '*God, Who † didst teach the hearts*' are repeated by those present. So also at Corpus Christi, Queens' and St Catharine's. Five fellows select three scrutators.

At Trinity College the election of Fellows and of Scholars is virtually *per compromissum*, certain persons being nominated by the Council to act for the society in conjunction with the Master.

At Christ's Coll. and Emmanuel a chapter of their College Statutes is read by the presiding fellow before proceeding to elect a Master *per scrutinium.*

At Pembroke there is a sort of compromise (in form of a deputed election by the five senior fellows or the majority of votes among the five) in the case where, after a *fourth* voting and scrutiny of the whole society of fellows, a majority has not been secured.

bene⁝ simplicitati scriptoris · parcens illud prout expedire uiderit⁝ corrigat et reformet.

Quodcunque autem faciendum est ante eleccionem uacante sede, uel in ipsa eleccione⁝ uel post ipsam vermiculo[1] scripsi. (*L.* omits these five lines.)

Quicquid uero scribendum est aut proferendum, uerbi tenus⁝ incausto[1] ad maiorem rei euidenciam exaraui.

Defuncto igitur episcopo, corpus debet tradi sepulture, antequam de eleccione futuri [pontificis] tractatus aliquis habeatur. Corpore autem defuncti sepulture tradito⁝ de consuetudine ecclesie Anglicane · hactenus est obtentum quod solempnes nuncii, aliqui *scilicet* de canonicis, ad dn̄m Regem, petituri ab eo eligendi licenciam, ex parte Decani et capituli cum huiusmodi literis dirigantur. [*habet L.*]

Excellentissimo dn̄o suo · H · Dei gracia illustr' Regi Anglie, dn̄o Hybernie · Duci[2] Acquitan' · et Comiti Andeg*au*' · deuoti sui · G · Decanus et Capitulum Cycestr' ecclesie salutem in eo qui dat salutem regibus · cum omni reuerencia et honore. Sublimitati uestre presentibus literis intimamus, quod felicis recordacionis · R.[3], quondam episcopus noster, viam est vniuerse carnis ingressus · ne autem ecclesia nostra diucius remaneat pastoris solacio destituta⁝ ad uos dirigimus dilectos[4] canonicos nostros magistros · N · et · N · latores presencium celsitudini regie supplicantes quatenus eligendi licenciam nobis liberaliter concedatis, valeat et uigeat vestra magnitudo regia per tempora longa. Datum &c.

[2] 'normannie': *add. L.*

[3] '*Ric*ardus': *L.*

[4] 'conco': (*sic*) *L.*

Optenta uero licencia eligendi per patentes literas dn̄i regis conueniant in capitulo canonici presentes, et diem certum prouideant, quem prefigant presentibus, ut ad illum[5] diem conueniant in capitulo suo ad eleccionem faciend' canonice processuri · absentes eciam canonici qui in eodem regno *sunt* ad eundem diem et locum per huiusmodi literas conuocentur.

[5] 'illud': *Reg. Ant.*

· G · permissione diuina decanus et capitulum Cycestr' ecclesie dilecto sibi in Christo Magistro · N · concanonico[6] suo salutem (&c.

[6] 'canonico': *L.*

[1] vermiculo...incausto. The scribe of the Registrum Antiquissimum at Lincoln has not followed his Chichester brother's authority by using different coloured inks, but has preserved the distinction by copying the rubrics or directions in larger letters than the text of the documentary forms. This distinction we shall exhibit by a similar difference between the sizes of the type employed.

&c., summoning peremptorily to election of a pontiff in capitulo; If unfortunately prevented, to send open letter of excuse.)

Tutum *esse videtur* quod huiusmodi litteris sigillo capituli sigillatis · ponantur ipse litere in stallis canonicorum absencium, nostre consuetudine Cycestr' ecclesie [*habet L.*] [et quarundam aliarum; hoc adiecto, quod hoc fiat in presencia decani], et omnium canonicorum presencium · et eciam presentibus vicariis canonicorum absencium qui easdem litteras dn̄is suis mittent[2]. Et *similiter* [de] forma citacionis et *nominibus* citatorum fiat memoriale quod sigilletur sigillo capituli sub hac forma.

[2] 'mittant': *L.*

Memorand' quod · N · die citatus fuit · N · canonicus Cycestr' ecclesie iuxta antiquam consuetudinem (&c. &c.)

Si autem aliquis canonicorum citatorum ad diem eleccionis uenire nequiuerit, tunc literas suas patentes mittat Decano et capitulo in hec uerba.

Venerabilibus in Xp̄o patribus (*&c.*, N. being hindered by various grave business, I commit to my brother canon N. 'specialem potestatem super hoc iurandi in animam meam, si uideritis expedire' &c.)

Veniente autem die eleccioni[s] prefixo honest*um* est et * 189[b]. congruum *racioni*, quod decanus et canonici omnes *antequam procedatur ad aliquem tractatum, missam de Sancto Spiritu celebrent coram cunctis · qua celebrata cantetur solempniter ympnus ille · Veni Creator Spiritus · et oracio subsequens Deus qui corda fidelium[3].

[4] 'secedent': *L.*

Hiis expeditis secedant[4] canonici omnes [et specialiter in locum aliquem secretum, et, exclusis omnibus vicariis [*habet L.*] et aliis, decanus clericis, vel aliquis alius, primo predicet uerbum dei, exortans omnes] specialiter ad eleccionem

[3] The present statutes of Corpus Christi College, Cambridge, prescribe that "the grace of the Holy Spirit" be "first invoked" before the election of a Master begins. *Cambridge Statutes* (ed. 1883), p. 274. At St Catharine's, where the election is held at noon in the Chapel, 'the prayers *Veni Sancte Spiritus*, and *Deus, qui corda*' are specifically prescribed (*id.* p. 375). And the latter preceded by the hymn *Veni Creator* for electing a President of Queens' (p. 346); and, in English, for a Master of Pembroke (p. 159). '*Veni Sancte*,' prescribed for St Catharine's, is (Dr Legg says) the *Anthem* so beginning (*Brev. Sarum* i. p. ix), rather than the Whitsuntide prose. These 'prayers' are, in fact, the Sarum *Memoria de S. Spiritu.*

canonicam faciend' · et sermone finito: legantur litere canonicorum absencium.

Legatur eciam illa constitucio generalis consilii[1] Quia prop̃[2]. Nichil de precedentibus immutari debet quamcunque formam uoluerint [seruare] electores.

[2] [Innoc. III. in Concil. Lateran. IV. anno 1215; ap. *Decretal.* Greg. IX. lib. i. tit. 6. cap. xlii.]

[*De iiij. modis eligendi episcopum.*]

¶ Nunc uidendum est[3] qualiter ad eleccionem faciendam per diuersas formas diuersimode procedatur.

Et primo uideamus de eleccione que sit per inspiracionem, licet[4] communiter dicatur hanc non esse formam, sed pocius excepcionem a formis. Ideo autem primo dicemus de (illa) ista, quoniam ipsa in eleccionibus sibi uendicat primum locum.

[3] 'uideamus': *L.*

[4] 'sed': *L.* (*omit L.*)

Non enim posset locum habere post quam per aliquam aliarum processum esset in modico uel in magno.

¶ Secundo uidebimus de forma compromissi que subiacet periculis paucis.

¶ Tercio de forma scrutinii que subiecta uidetur periculis infinitis.

¶ Vltimo dicemus de postulacione.

[1. *De electione per uiam Inspiracionis.*]

¶ Sermone finito et lectis literis canonicorum absencium et constitucione concilii. Quia propter · ante aliquem tractatum dicat Decanus · uel alius qui primam uocem habeat, uerba sequencia, uel similia.

¶ Karissimi, conuenimus hic in nomine Ih'u Xi ad eleccionem episcopi faciendam · videtur michi quod · N · concanonicus noster merito sit in episcopum eligendus.

Si omnes statim consenserint una uoce · tunc Decanus, uel [aliquis alius] qui primam uocem habeat, statim dicat sine [aliquo] alio tractatu.

[1] *Legatur constitucio* 'Quia propter.' This was a good rule, and if it were put in practice it might prevent a solemn election from being marred by speeches of a proposer and a seconder. See Dr Legg's *Three Ways*, p. 302.

In nomine patris et filij et spiritus sancti · amen. Ego · N · nomine meo et omnium illorum ad quos spectat presens eleccio · N · concanonicum nostrum eligo nobis in episcopum Cycestr.

['et ita in qualibet forma expedit quod unicus electionem proferat generalem.' *L.*]

Hoc autem attende quod in hac forma eleccionis, seu excepcione a formis, si vnicus canonicus presens dissentiret · uel [1]si tractatus prolixus fieret · eleccio non ualeret[1].

[1] *omit* 'si' *L.*, *mox* 'prolixius ...non ualet'.

¶ quamuis eciam hic possit eleccio *fieri sine* scriptis: In formis tamen sequentibus tutissimum est eleccionis formam scribere, et scriptam postea recitare, et maxime ubi discordia non timetur.

¶ Siue fiat in scriptis eleccio, siue sine scriptis, et in qualibet forma eleccionis, dicat elector, si unicus est, Eligo.

si plures sint compromissarii · dicatur Eligimus.

et *ita* proferentur uerba[2] eleccionis per presens tempus indicatiui modi[3] sic

Eligo | uel Eligimus

vn*de* non dicatur · Elegi · uel · elegimus · nec dicatur [4]Damus uel nominamus · uel preficimus · aut · concedimus · aut aliquod uerbum consimile ·

[2] 'proferatur per uerbum': *L.*

[3] 'et numerum singularem · *Eligo*· Vnde non dicatur *eligimus*': *L.*

propter errores enim huiusmodi: vidi multas elecciones cassari[5].

[4] '*pono*, uel *nomino*, uel *proficio* · aut *concedo*': *L.*

Illud eciam nota; quod consensus electi nunquam debet requiri[6] priusquam communis eleccio fuerit celebrata · quia si antea consentiret: eleccio sessaretur[7].

[5] 'cassare'. *L.*

[6] 'inquiri': *L.*

Eleccione uero solempniter celebrata: debet electus rogari quod consenciat · ipsoque[8] consenciente: statim incipiatur solempniter · Te Deum laudamus.

[7] 'cassaretur': *L.*

Electus uero interim ducatur ad magnum[9] altare, coram quo, aliis cantantibus · prosternatur

[8] ipso *autem*': *L.*

hiis factis: eleccio coram omnibus tam laicis quam clericis presentibus publicetur.

[9] 'maius': *L.*

¶ Si autem qui eligitur non est presens, statim post eleccionem cantetur nichilominus · Te Deum laudamus · et eleccio protinus coram omnibus publicetur et consensus electi quam cicius commode requiri poterit · requiratur.

¶ Post hec fiant tria paria literarum · vnum quod mit-

titur dño Regi per eundem electum · et aliquos de canonicis pro assensu regio requirendo, et hoc faciendum est antequam Archiepiscopus adeatur pro confirmacione.

¶ Secundum erit littera procuratoria ad prosequendum negocium eleccionis coram dño archiepiscopo.

¶ Tercium, decretum eleccionis.

littera uero regi mittenda pro assensu procurando[1] eleccioni facte, po[te]st concipi sub hac forma.

[1] 'prestando': *L.*

Excellentissimo dño · ut supra · Dominaccioni uestre[2] intimamus quod ... Nos uoluntate unanimi et consensu virum prouidum et discretum magistrum Johannem cancellarium nostrum, latorem presencium, nobis eligimus in episcopum [3]et pastorem[3]. Hinc est quod eundem presentamus regie celsitudini, deuotis precibus supplicando quatinus predicte eleccioni nostre (∧.....) regium assensum liberaliter inpendentes · literas vestras (∧.....) super hoc dño Archiepiscopo ('dirigatis' *altered to*) dirigere.

[2] presentibus litteris' *add. L.*

[3–3] *omit L.*

Valeat · &c. Datum &c.

¶ Litera procuratoria dño Archiepiscopo mittenda potest concipi sub hac forma.

Reuerendo in Christo patri et Dño · R · Dei gracia Cantuar' Archiepiscopo, tocius Anglie primati, deuoti sui · G · Decanus et Capitulum Cycestr' salutem et *omnimodam* reuerenciam quam debitam tam deuotam · ad prosequend' coram nobis negocium eleccionis (&c., proxies sent with powers &c.) quatinus dictum negocium maturitate qua conuenit dignemini tam fauorabiliter quam feliciter expedire &c.

*Decretum autem huiusmodi eleccionis debet concipi sub hac forma[4].

* p. 190.

In Nomine &c. Omnibus Christi fidelibus presentes literas inspecturis · G · permissione diuina Decanus et capitulum &c. &c. Statuentes que diem ad eligendum in crastinum[5] sancti Dunstani omnium assensu canonicorum...inuocata Sc̃i Spiritus gracia, lectis canonicorum absencium litteris coram omnibus · Lecta eciam similiter constitucione generalis concilii Quia propter Nos omnium assensu et vnanimi uoluntate qui per inspiracionem elegimus magistrum Johannem cancellarium nostrum in episcopum Cycestr' virum

[5] 'crastino': *L.*

[4] A different form of '*Decretum quod clerus et populus firmare debet de electo episcopo*,' has been printed by Maskell *Mon. Rit.* ii. pp. 252—4, from the late fifteenth century MS. Pontifical at the University Library, Cambridge (Mm. iii. 21). The '*Decretum*' was forwarded to the Metropolitan.

scilicet honestum eminentis sciencie in temporalibus et spiritualibus circumspectum, valentem et scientem ecclesie nostre iura tueri. Quam et eleccionem magr' • N • de • N • de tali loco fecit vice omnium per hec uerba.

In nomine *&c* • Amen • Ego • N • nomine meo et omnium illorum ad quos spectat presens eleccio • N • canonicum nostrum eligo nobis in episcopum Cycestr'.

In quorum testimonium • presens decretum eleccionis nostre canonicorum subscripcionibus communiter apposicione ⁊ sigilli nostri fecimus roborari. Datum in capitulo nostro Cycestr • &c.

ego • G • Decanus Cycestr' huic eleccioni assencio et subscribo

Ego • G • precentor Cycestr' huic eleccioni consencio et subscribo ✠

Eodem modo subscribant omnes canonici presentes in confeccione decreti, et adminus faciat quilibet propria manu[1] crucem ✠

[1] 'c': *L.*

Si autem unus subscribat pro alio scribat ita ·/

Magr' • N • de • N • consensit huic eleccioni pro quo • N • subscripsi ✠.

ante omnia cauendum est ne nomen alicuius canonici absentis in confeccione decreti inscribatur tanquam subscripsisset, quia falsa *sun*t et irrita talia munimenta, et utentes eis possent penam *fal*sarii formidare.

[2. *De electione per formam Compromissi.*]

[C]onsequenter tractandum est de forma compromissi, que paucioribus subiacet periculis quam forma scrutinii.

veniente igitur die eleccionis prefixo, et precedentibus solempni[tati]bus supradictis cum conuenerit inter canonicos presentes quod procedatur in eleccione per uiam compromissi ⁊ compromittant omnes et singuli in aliquas certas personas, et melius est in inpares numero, quam in pares, et statim sub hac forma scribantur litere que sigillo ecclesie sigillentur.

[2] 'Galfridus': *L.*

℣ Vniuersis sancte matris *&c* • G[2] • permissione diuina Decanus et capitulum *&c.* Ad vniuersitatis vestre noticiam volumus *&c.* Statuentes diem *&c.* Inuocata S. Spiritus gracia et lectis *&c.* placuit omnibus et singulis de forma procedere compromissi. Et ita electi fuerunt tres de capitulo fidedigni • scilicet magistri N. *&c.*

Quibus vnanimiter potestatem contulimus · vt omnes uel maior pars eorum per eleccionem uel per postulacionem, dummodo de gremio Cycestr' ecclesie, prouideant · viduate ecclesie de pastore, promittentes quod illum recipiemus in pastorem de quo[1] omnes, uel maior pars[2], ex se, uel ex aliis de ipsius ecclesie gremio, per eleccionem uel[3] per postulacionem duxerint prouidendum · vt igitur hec forma compromissi plenum robur obtineat firmitatis, presens scriptum sigillo nostro fecimus communiri. Actum in capitulo Cycestr' in crastino sc̄i Dunstani Anno Dñi &c.

[1–2] 'quem *illi*...elegerint': *L.*
[3] 'de quo' *add L.*

¶ Hiis literis sigillatis secedant illi compromissarii ad aliqu*em* locum secretiorem, aliis omnibus interim in oracione perseuerantibus, et tractent iidem compromissarii de omnibus et singulis canonicis ecclesie sue, ut[4] inuenire possint maĝ[5] ydoneum in episcopum eligendum. Debent autem compromissarii conferre de personis suis propriis. Ita quod unus illorum secedat primo in partem ⁝ †et alii conferant de persona ipsius, et ipso reuertente, alius similiter secedat†, hanc eciam[6] legem sibi indicant sub interminacione anathematis · ut si aliquid dictum fuerit in hoc negocio de alicuius persona quem ipsum ostendere[7] possit, *uel famam ipsius diminuere uideatur ⁝ quid per quem dictum fuerit ⁝ nullatenus reueletur. Cum autem omnes compromissarii consenserint in certam personam eligendam⁝ forma[m] eleccionis faciende diligenter conscribant, et tunc [con]uocatis omnibus canonicis iniungant ipsi compromissarii alicui de sociis suis quod eleccion*em* in scriptis faciat [uice] *omn*i*um* per[8] hec uerba.

[4] 'qui': *L.*
[5] 'maius': *L.*
† – † *omit L.*
[6] 'autem': *L.*
[7] 'quod offendere': *L.*
* 190[b].
[8] 'in': *L.*

In nomine *&c.* Cum nos *&c.* Nos prescripti vnanimi consensu, vice Dñi Decani, et nostra, et capituli tocius, eligimus, cancellarium nostrum in pastorem *&c.*

[(Here the Lambeth MS. gives a different form, as follows:—)

Cum nos N. de tali loco et N. de tali loco et N. de tali loco canonici cicest' a decano et capitulo cicest'. spec*ia*le mandatum habeamus per eleccionem et per postulacionem de gremio cicest'. ecclesie providendi viduate ecclesie de pastore. Ego laur' de Sum*er*cot' uice dictorum decani et capituli et nostrum (n̄r) eligo magistrum Io. cancellarium nostrum in pastorem et Episcopum cicest'.

MEMORANDUM quod magister laur' de sumercote domini pape subdiaconus [cicest' *struck through*] canonicus cicest'., de uoluntate ac mandato sociorum suorum in quos fuit compromissum, celebrauit eleccionem in scriptis sub forma infrascripta coram decano et capitulo cicest'. N. die in capitulo cicest'. In nõie pris. etc. vt supra proximo. Decanus autem et alii canonici tunc presentes huic eleccioni unanimiter consenserunt in quorum testimonium predicti compromissarii sigillis suis presentes literas sigillauerunt. Actum in capitulo cicest'. ut supra.]

Hoc facto · requiratur consensus electi et ipso consenciente · solempniter incipiatur Te Deum laudamus. Electus uero interim ducatur ad maius altare, coram quo, aliis cantantibus, se prosternat · et statim eleccio coram omnibus clericis et laycis publicetur.

¶ Non credat aliquis quod eleccio secundum hanc formam, uel sequentem, fieri nequeat sine scriptis · potest etenim fieri uerbo tenus · sed ubi celebratur [cum] concordia, honestius et tucius quod in scriptis fiat, ut omissionis periculum euitetur · sed si timeatur de discordia: fiat in nomine Domini sine scriptis.

Postea mittatur electus ad dñm Regem cum litteris pro assensu, ut supra, et ad dñm Archiepiscopum cum litteris procuratoriis, ut supra cum decreto tali[1].

[1] 'capituli': *L.*

✠ In nomine patris *&c.* Omnibus Xp̄i &c. G · permissione diuina Decanus *&c.* Ecclesia Cicestr' nuper per mortem felicis recordacionis R.[2] episcopi nostri pastoris *Solacio* destituta, ac corpore ipsius tradito sepulture, conuenientes in capitulo *&c.* vice nostra et sua eligerunt *&c.* Quam eleccionem magr' Laurencius de Somercot' de mandato sociorum fecit in scriptis vice omnium per hec uerba. In nomine *&c.* In quorum testimonium presens decretum eleccionis subscriptionibus canonicorum et impressionem sigilli nostri fecimus roborari. Actum in capitulo *&c.* Ego · G · Decanus Cycestr' huic eleccioni assencio et subsscribo ✠ *&c.*

[2] 'Ricardi quondam': *L.*

¶ Et sic [sub]scribant omnes canonici presentes.

[3. *De forma Scrutinii.*]

[R]estat uidere de forma scrutinii[1]. que licet sit ordinaria: est tamen periculis magnis plena[2] · vnde in ipsius processu summam *oportet* diligenciam adhibere†.

¶ factis[3] solempnitatibus ita script' an*te* formam prime eleccionis: et ueniente die ad eligendum prefixo, cum placuerit omnibus presentibus procedere per uiam scrutinii: assumantur secundum formam concilii Quia propter· tres canonici de ipso collegio fidedigni qui secreto [et] sigillatim uota cunc*to*rum diligenter exquirant[4] · et in scriptis redigant · et mox publicent in communi[5].

[1] 'scrutinii': MS. Reg. Antiq.

[2] 'plena magnis': *L.*

[3] 'Peractis': *L.*

[4] 'inquirant': *L.*

[5] The form of administering the oath to two 'Senior Regents' and two Senior 'Non-Regents' to '*stand in Scrutiny*' at the annual election of Proctors and Scrutators at Cambridge, &c., &c., as described in *The Ceremonies Observed in the Senate House* (H. Gunning's edition of Adam Wall's collection, 1828 pp. 10—16) is very curious. One or other of the Bedells called the Houses '*Magistri Regentes et Non-Regentes*,' read the (Elizabethan) Statute *De electione* and the Registrar's list of persons nominated. After the two sets of temporary scrutineers had been sworn, a Bedell proclaims '*Ad Scrutinium pro Electione Procuratoris Senioris*' (or '*Alterius*'). The Vice-Chancellor and the two scrutineers then give their own votes *first*, *in writing* ('*A. B.* eligit *C. D.* in Procuratorem [Seniorem] hujus Academiae in annum sequentem'). Then the Doctors and Regents bring *their* votes to them in like form, in writing. At proper intervals a Bedell proclaims '*Ad Scrutinium secundo*'; '*Ad Scrutinium ultimo*'; and '*Cessatum est a Scrutinio.*' The senior of the scrutineers with his colleague (and the Vice-Chancellor), going to the Proctor's place in the Regent House, *reads the votes* for Senior Proctor (his own vote in full, and the others "*eundem eligit* E. F."), and after them he reads a paper *declaring the election*, 'Ego *A. B.*, Senior Regens in hac Congregatione (eligo et) electum a vobis pronuncio Magistrum, *C. D.* in Procuratorem,' *&c.* They next proceed in like manner '*Ad Scrutinium pro Electione Procuratoris Alterius.*' Meanwhile another Bedell has accompanied the two *Non-Regents*, who had come in to be sworn by the Vice-Chancellor, to the Non-Regent House, where he reads the next chapter (36) of the University Statutes, and the Registrar's list of persons nominated and presented for the annual office of Scrutators. Then he prepares a *Scrutiny Paper* with the name and college of each candidate and a '*placet*' and a '*non placet*' line to each

Magister A. Coll. *Trin.*— { *placet* _____ / *non placet* _____

and so soon as the Bedell has proclaimed for the first time '*Ad Scrutinium pro Electione Scrutatorum*,' the two Non-Regent scrutineers, *and*

* fo. 191. postea fiat collacio, et tunc deinde *communis eleccio subsequatur.

¶ Diligenter est notandum quod in quolibet scrutinio ubi plures nominantur⁝ sint sex adeo necessaria⁝ quod si aliquod eorum pretermittatur⁝ nulla est eleccio ipso iure.

Primum est, quod uota cunctorum secreto exquirantur.

Secundum, quod singillatim.

Tercium, quod redigantur in scriptis.

Quartum⁝ quod mox fiat publicacio in communi.

Quintum⁝ quod fiat collacio triplex · scilicet numeri ad numerum, meriti ad meritum · zeli ad zelum.

Sextum⁝ quod sequatur eleccio generalis.

Et hec omnia ita sunt de substancia forme eleccionis, quod uno pretermisso · si plures nominati sunt, eleccio non [1] 'tenet':*L.* teneret[1]. Si uero vnicus sit in scrutineo† nominatus · quod raro contingit · tunc non est aliqua collacio facienda · sed alia [quecunque] *sunt* modis omnibus obseruanda.

¶ Qualiter vero procedatur de facto in hiis omnibus plenius et planius edocebo.

Isti tres inquisitores, seu scrutatores votorum, stare debent in aliquo angulo capituli uel sedere · et examinabunt primo vota sua propria, de consilio meo, et redigent in scriptu[ra]m. I*deo* hoc dico quia si primo examinarent alios · postmodum semet ipsos⁝ nominacio aliorum posset illos mouere ad aliquem nominandum. Et si omnino

as many others as choose to do so, come forward to the table and mark the *placet* line for each candidate. When the three proclamations and *Cessatum est a Scrutinio* have been pronounced, the Senior who 'stood in Scrutiny' declares the election, 'Magister A., Coll. Trin., Magister B., Coll. Pet.:—*placent eis*.'

The new Proctors then go to the lower end of the Senate-House and put on their Congregation habits, viz. their ruffs and white [Regent Masters'] hoods, and the newly-elected Scrutators their hoods squared, and go to the Vice-Chancellor's to give securities and take oaths. The Proctors then received their great Statute-Books and keys, and the Scrutators their keys of the Common Chest. Taking leave of the Vice-Chancellor the proctors then retired to their own table. The duty of a *Scrutator* at Cambridge was 'to attend at all Congregations, to read the Graces in the *Lower* House, to gather the votes secretly, or take them openly in scrutiny, and publicly to pronounce the assent or dissent of that house.' *Camb. Univ. Kalendar*, 1802, p. vi.

non require[re]nt uota sua ⁝ non exquirerent uota cunctorum · quod esset contra formam predicti concilii manifeste.

¶ Curia autem romana non reprobat si scrutatores post alios exprimant uota sua.

¶ Volunt tamen aliqui subtiles, quod in principio singuli scrutatorum per se singillatim scribant in singulis [cedulis] vota sua · et postea aliorum uota requirant, nominando[1] quemlibet *secundum* gradum suum, et ita singulos† aloquendo.

[1] 'uocando': *L.*

Frater, D*eu*m solum pre oculis habeas · et pro Ih'u Xp̄o, remoto omnium odio et amore carnali, et humana gracia · considera meliorem et utiliorem pro ecclesia nostra, secundum tuam conscienciam · [2]et dic · nobis in quem consentis[2].

[2–2] *omit L.*

¶ Et ipse respondebit.

¶ Ego consencio in magistrum · N · concanonicum[3] nostrum, et ipsum [nomino et] eligo in episcopum Cycestr'.

[3] 'canonicum': *L.*

Inquisitores uero statim [nominantes et] nomina[4] scribant in aliquo rotulo · parum est curandum utrum scribatur in prima persona sic.

[4] 'nominatum': *L.*

Nos quesiuimus ab · N · in quem consentiret et ipse uotum suum sic expressit · Ego · N · in · N · consencio et ipsum eligo et nomino[5] in episcopum Cycestrie[6].

[5] 'nomino et eligo': *L.*

Examinacio et scribatur in aliquo rotulo sub hac forma.

¶ Examinacio votorum omnium canonicorum presencium in capitulo Cycestr' in crastin' sc̄i Dunstani · anno Dñi · &c. Qui dies prefixus fuit ibidem ad eleccionem faciendam. Hanc aut*em* examinacionem fecimus [nos] Magr. N. de tali loco &c. assumpt' ad hoc faciendum specialiter per Decanum et capitulum Cicestr' · vota uero nostra et singulorum canonicorum tunc presencium examinantes diligenter ea redegimus in scriptis fideliter, ut inferius annotatur · Ego · N · vnus de scrut[at]oribus consencio in · N · [con]canonicum nostrum et ipsum eligo in episcopum Cicestr.

[6] The form of vote for a Master of Clare or of Jesus Coll., Cambridge (at Sidney Sussex, it is in English) is '*Ego* A. B. *eligo* C. D. *in magistrum hujus Collegii*." (At Queens'...'*ad officium præsidentis*...'.) At Pembroke (Cambridge) it is '*Ego N. eligo* (vel *consentio in*) N. *ad officium Custodis hujus Collegii*.'

[1] 'ita': *L.*

¶ et *id*em[1] exprimant alii scrutatores.

¶ Ego • G • Decanus Cicestr' • consencio in • N • [con]canonicum nostrum et ipsum eligo in episcopum Cicestr'.

Ego • G • precentor. ['cantor' &c. Ego N. cancellarius &c. Ego W. thesaurarius &c. Ego Jo. arch' cicest. Ego Symon archid. lewens. &c.]

Et sic per ordinem, Ego • N • procurator • N • nomine meo, et nomine illius cuius sum procurator, conscencio† &c.

¶ Ista tamen scriptura potest postea sigill' ipsorum scrutatorum, uel sigillo capituli singillari†, adiecta in fine [tali] clausula In quorum testimonium &c.

¶ Examinacione taliter facta, statim conueniant omnes canonici, tam scrutatores quam alii, in vnicum[2] locum, et mox fiat examinacionis publicacio in communi, etsi inueniatur vnicus nominatus, quod raro contingit. Iniungant singuli Decano uel alii quod vice sua et omnium aliorum eligat nominatum et [ex] tunc incontinenti ille cui hoc iniunctum est eleccionem communem faciat per hec uerba.

[2] 'vnum': *L.*

¶ In nomine patris *&c.* Amen • Ego • N • vice mea, et omnium canonicorum† meorum ad quos spectat *&c.*, magistrum • N • *&c.* eligo ep̄m Cycestr'.

†[*forsan*: 'concanonicorum'.]

Tutum est eciam in hac forma eleccionem scribere, et in scriptis recitare ut uerba omnia in ipsa eleccione ne*cessaria* conpetencius exprimantur.

¶ Si autem, post publicacionem, vota canonicorum varia sint · Ita quod quidam istum, et quidam illum inuenti fuerint nominasse, tunc diligenter fiat collacio per eosdem scrutatores in presencia omnium · scilicet collacio nu*meri* ad nu*merum* · zeli ad zelum · me*riti* ad me*ritum*.

¶ Et nota quod collacio numeri ad numerum · Item zeli ad zelum : attenduntur circa nominatores · quia computare debent et uidere quot istum nominant · et quot illum · Item quo zelo moti sint nominatores istius · et quo zelo nominatores illius. Tercio uero collacio, que est meriti uero ad meritum · attenditur circa nominatas personas · scilicet cuius meriti sit ille nominatus? [cuius meriti sit

iste ?] Et si maior pars et sanior omnium canonicorum presencium, per se vel per procuratores · maior, dico, quantum ad meritum · et sanior, quantum ad zelum, inueniatur in personam ydoneam consensisse. Iniungant singuli eorum alicui de se ipsis, quod nominatum eligat per hec uerba.

Ego · N · vice mea, et vice ac mandato omnium illorum qui in magistrum [· N · de tali loco] consenserunt, et ipsum scrutineo nominauerunt, eundem magistrum · N · eligo in episcopum Cycestr'.

¶ Nisi enim fieret hec eleccio generalis siue communis: ipso iure nichil *omnino vi*deretur* actum esse quantumcunque solempnitates alie seruarentur. * 191b.

¶ Can*ta*to post eleccionem communem et post requisitum et prestitum assensum electi, si presens [est], solempniter · Te Deum laudamus · eleccio coram omnibus publicetur.

Hiis taliter expeditis, mittatur electus ad dn̄m Regem, pro assensu regio requirendo, ut supra, [1]et postea ad dn̄m Archiepiscopum, pro confirmacione, cum literis procuratoriis, ut supra[1] · et cum decreto, quod potest concipi sub hac forma. [1–1] *omit L.*

✠· In nomine [2]sancte et indiuidue Trinitatis,[2] Patris *&c.* Amen. Omnibus Christi fidelibus *&c.*, G. permissione diuina Decanus *&c.*; Ecclesia Cycestr' nuper per mortem *&c. &c.* constitucione gen· concil · Quia *pro*pter · placuit omnibus et singulis per formam scrutinii viduate ecclesie prouidere, et sic assumpti sunt tres de nostro capitulo *&c. &c.* Quia secreto et singillatim cunctorum uota exquesiuerunt diligenter, *&c. &c.* Inuentum est quod maior pars capituli et sanior in magistrum · N · de tali loco consensit; virum scilicet literatum et honestum in temporalibus *&c.* Et sic incontinenter · N · de tali loco, vice sua, et vice [ac] mandato illorum qui in ipsum magistrum consenserant, et eum in scrutineo† nominauerant, ipsum elegit in pastorem *&c.* in hac forma Ego · N · *&c.* eundem *&c.* eligo · In quam *&c* · Datum *&c.* Decanus *&c. &c.* consencio et subscribo ✠. [2–2] *(So in marginal correction.)*

¶ eodem modo subscribant omnes qui presentes sunt in confeccione decreti, si eleccioni consenserint. Cauend' attente ne in decreto aliqua falsitas inseratur.

[4. *De variis casibus Postulationis.*]

[V]LTIMO de postulacione uidend*um* quicunque a*utem* iura canonica tractent de variis postulacionum modis, ad presens tantum de illa tantummodo facio mencionem que fit cum aliquis est ineligibilis, a dño papa in episcopum uel archiepiscopum postulatur · quod in · v · casibus contingit.

¶ primus est cum episcopus consecratus in episcopum uel archiepiscopum postulatur.

¶ Secundus est cum electus [iam] confirmatus iam in episcopum postulatur.

¶ Tercius in illo qui est in minoribus ordinibus constitutus.

¶ Quartus in illo qui defectum patitur in etate.

[1] 'isto': *L.*

¶ Quintus casus est in illo[1] qui non est de legitimo m*atrimoni*o procreatus.

Nullus enim istorum debet eligi, sed pocius postulari.

¶ Et quod dixi de episcopo in primo casu, Idem est de abbate exempto, qui [sine] licencia dñi pape transire non potest ad aliam abbaciam · vnde iste posset dici, sextus.

Si proceditur ad postulacionem [per uiam compromissi postulacionem] faciant per hec uerba.

¶ In nomine Patris *&c.* Cum noster · N · de tali loco, et N · de tali canonicus Cycestr' habeamus ('sp*iri*tuale' *altered to*) spec*ia*le mandatum a decano et capitulo Cycestr', per eleccionem uel postulacionem prouidendi viduate ecclesie de pastore; [2]nos predicti, diligenti habita deliberacione, vnanimi consensu, vice dictorum Decani et capituli, et nostra[2], magistrum · N · de tali loco, nondum in sacris ordinibus constitutum, prouidemus[3] a summo pontifice in Cycestrensem episcopum postulandum. Hanc autem certificatoriam[4] legit in capitulo magr' · N · de tali loco coram decano et aliis canonicis

[2–2] *The* Lambeth MS. *has here*: 'Ego laur' de Somercot' uice mea et sociorum meorum in quos compromissio facta fuit, et eorum mandato, vice etiam decani et capituli, magistrum N.' &c.

[3] 'prouideo et eligo'. *Lambeth.*

[4] Compare with this the form now used at Pembroke College, Cambridge, by the senior fellow (exclusive of the elect himself) in declaring the election of a Master:—'*Ego* N. *nomine meo et omnium Sociorum meorum eligo* N. *in Custodem hujus Domus.*' (Cambridge Statutes, p. 161.)

de uoluntate et mandato sociorum suorum prescriptorum in quos compromissio facta fuit. Decanus et alii omnes tunc presentes huic prouisioni vnanimiter consenserunt. In quorum testimonio nos prescripti compromissarii *&c.*

¶ Littera autem mittenda regi, pro assensu ipsius requirendo, potest concipi sub hac forma.

¶ Excellentissimo dño suo • H • Dei gracia regi Anglie &c. Sublimitati vestre *presentibus literis intimamus *&c.* * fo. 192.

¶ Littera procuratoria mittenda dño pape potest concipi per hec uerba[1]. [1] 'sub hac forma': *L.*

Sanctissimo patri et dño Innocencio, diuina prouidencia summo pontifici.

• G • Decanus et capitulum Cycestr' deuota pedum oscula beatorum • sanctitati vestre presentibus literis intimamus, quod felicis recordacionis Ric' quondam episcopo nostro viam vniuerse carnis ingresso, ac corpore ipsius tradito sepulture • uocatis vocandis, et presentibus in capitulo nostro, die prefixo ad eligendum, omnibus qui debuerunt, uoluerunt, et potuerunt commode interesse • N • de tali loco • N • de tali • et • N • de tali, concanonici nostri, quibus vnanimiter potestatem contulimus prouidendi, per eleccionem, uel[3] per [2] 'et': *L.*
postulacionem, viduate ecclesie de pastore, magistrum • N • de tali loco concanonicum nostrum, non dum in sacris ordinibus constitutum, prouiderunt a vestra sanctitate postulandum in episcopum Cycestrie. Cui prouisioni omnes consensum prestitimus et assensum.

Hinc est quod dilectos concanonicos nostros • N • et • N • latores presencium, procuratores nostros constituimus, ad dictum negocium prouisionis seu postulacionis in uestre sanctitatis presencia prosequendum.

Dantes eisdem, et eorum alterutri, specialem potestatem iurandi in animas nostras in dicto negocio, si vobis videbitur expedire. Nos autem, vestre sanctitatis pedibus prouoluti, supplicamus humiliter, quatinus, solita benignitate dictam prouisionem acceptantes, postulacionem [nostram] liberaliter admittatis.

Ratum uero et firmum habebimus quicquid per dictos concanonicos nostros, uel eorum alterum, actum fuerit uel procuratum in dicto negocio coram nobis. In quorum testimonium eis presentes literas sigillo nostro tradidimus signatas[3]. Datum &c. [3] 'sigillatas': *L.*

¶ Decretum postulacionis huiusmodi potest concipi sub hac forma.

✠ • In nomine Patris &c. Vniuersis Christi fidelibus *&c.* G.

decanus *&c.* salutem &c. Ecclesia Cycestr' nuper per mortem *&c.* Conuenientes *&c.* Statuentesque diem *&c.* Quo die veniente: presentibus *&c.* Inuocata *&c.* et lectis *&c.* placuit omnibus et singulis per formam procedere compromissi • et ita electi fuerunt tres *&c.* quibus *&c.* potestatem contulimus vt omnes, uel maior pars eorum, per eleccionem uel per postulacionem, dummodo de gremio Cicestr' ecclesie, prouiderent viduate ecclesie de pastore. Promittentes quod illum reciperemus *&c.* Predicti uero compromissarii habito super hoc tractatu *&c.* magistrum • N • *&c.*, nondum in sacris ordinibus constitutum, vice sua et nostra prouiderunt postulandum a summo pontifice in episcopum Cycestr'. Quam prouisionem magister • N • *&c.* recitauit in scriptis, in hec uerba. ¶ In nomine *&c.*

* 192ᵇ. ...viduate ecclesie *de pastore. Nos predicti *&c.* magistrum • N • de tali loco concanonicum nostrum, nondum in sacris ordinibus constitutum, prouidemus a summo pontifice, in Cycestr' episcopum postulandum. Cui prouisioni omnes consensum prestitimus et assensum. In quorum omnium *&c.* Act. in Capitulo Cycestr' & • cet. Ego magister Laur' de Somercot', vice et mandato sociorum meorum, hanc prouisionem quam fecimus sic pronuncio • consencio et subscribo.

✠ Ego [G.] Decanus Cycestr' huic prouisioni et pronunciacioni consencio et subscribo.

✠ Ego • G., precentor Cycestr', huic prouisioni et pronunciacioni consencio et subscribo.

Explicit[1].

On an old Claim of the Archbishop, and on Papal Provisions, with a List of Cardinals at Lincoln.

Bp Gibson tells us that the right of the Archbishop to the Option of a Prebend, sometimes on the ground of Consecrating a Bishop (as A.D. 1310), more properly for confirming his election, may be traced early in the records of Canterbury, and we shall see that it also extends to more modern history. Sometimes (as in 1308) the deed of conveyance named the *dignity* or *benefice* to be filled by any person whom the primate

[1] *In the* Lambeth MS. *the conclusion runs as follows:*—'Perfecta fuit hec summa a magistro laur' de Sumercot' Domini pape subdiacono, Cicestr' canonico, mense Julii Anno domini M° • CC° • quinquagesimo quarto. Deo gracias.

'*Expliciunt elecciones episcoporum et* cetera.'

his executors or assigns should name, upon its next avoidance (if one should occur within 21 years, and supposing that the then confirmed bishop were still the tenant of the see). Sometimes the *person* to be provided was named, and the benefice left undefined. Sometimes the grantor engaged to surrender the first preferment which should chance to fall vacant in his episcopate. These 'options' (derived, not from the popes', but from their predecessors', claims) were exercised by Abps Cranmer and Parker (Gibson's *Codex* tit. 5, cap. 2, p. 115). Strype, to his memoir of Abp Whitgift, appends the form by which Bp W. Wickham of Lincoln, on his confirmation, 5 Dec. 1584, granted according to custom the option of a prebend at Lincoln at its next vacancy, and in the meanwhile conceded a yearly pension of £5 to a fit clerk, his Grace's nominee. (*Whitgift*, Record no. 19, to bk 3, ch. 12; *ex Registr. Whitg.* i. fo. 22.) 'Layton Buzzard' was the prebend named, in this instance; but it did not fall vacant within 21 years, at the end of which time the primate himself died. But no doubt he received the pension till Bp Wickham was confirmed for Winchester (he died soon after), and then Whitgift probably acquired a fresh option from Bp Chaderton.

The Pope in like manner claimed to make 'provision' for prebends, but on a larger scale.

In 1226 Honorius III., through his legate Cardinal Otho, demanded, besides places in every monastery, two options in every cathedral church, one prebend from the Bishop's patronage, the other from the chapter's preferment. (Spelman, *Concil.* ii. p. 190.) This demand was for the time successfully resisted in England (as it had been in France), after Otho, laden indeed with spoils, had been recalled by Abp Stephen Langton's influence. Grosseteste's action likewise must have done something towards checking for a while the grosser abuses of patronage attempted from abroad. But some of the Popes were not easily abashed. Where Adrian IV. had begun by requesting, Innocent IV. would take no refusal. 'Mandates' and 'Provisions' for a long time gained the day. Gregory IX., in 1240, had ordered the Abp of Canterbury and the Bps of Lincoln and Salisbury to appoint no one to a benefice until 300 Italians were accommodated. But it is chiefly in the fourteenth century, and indeed almost throughout it, that we

find in our records the intrusion of foreigners prevailing. Though Grosseteste had resisted the intrusion of the boy Frederick de Lavagna, nephew of Innocent IV. in 1253, we find another of the same name, Percival de Lavannia 'Romanus', brother to Othobon the legate, slipped into a Lincoln prebend 18 Nov. 1267, and the Archdeaconry of Bucks, shortly afterwards, in the time of Bp Gravesend. An Albert de Lavania (if indeed there were not two of them, or has Hardy made a slip?) held the prebends of Gretton and Ketton, till death in 1303 (or 1308) deprived him of them. And names which have a suspiciously ultramontane look appear on every page of the *fasti* of the 14th century. Names like De Flisco (kinsmen no doubt of Othobon, Adrian V.)—Adrian, Antonio ('Luchin' Hardy), Innocent, John, Manuel, Raymond and William—a whole string of them, tell their own tale, though some may have been nominated by the king. It was in the latter half of the 14th century (1351, 1362, 1390) that Statutes of Provisors were enacted. By 20 Ed. III. titt. 21, 34, cited by Foxe, the preferments of cardinals were in 1346 put into the king's power. A glance at the pages of Le Neve and Hardy's *Fasti* (and Rich Jones' researches regarding Salisbury shew that the case as to that chapter at least is somewhat under-stated) will convince the student of the extent to which the cathedral offices and revenues were being drawn away by foreigners, some of them relatives of a reigning Pope, or Legate, and presumably non-resident.

At *York* between 1307 and 1389 he will find four Deans, eight Archdeacons of the West-riding, and one of the East-riding, two Archdeacons of Richmond, one of Nottingham, and three Treasurers, all cardinals of Rome, besides some other foreigners 'provided' by the Pope.

At *Salisbury* all the six Deans from 1297 to 1379 were aliens. The first of these, Peter of Savoy, is indeed said to have been 'the king's cousin,' but he owed much of his preferment to the pope, he was non-resident except under strong compulsion, and in time he became Abp of Lyons. The others were relatives of Clement V. and Nicolas III. And these were not the only foreigners attached to Salisbury. In 1375, on his accession to the see, Ralph Erghum found in (or more probably *away from*) his cathedral church, cardinal Jacopo di

Orsini, *dean*; cardinal Francisco di Atti, *treasurer*; cardinal Robert (possibly the count of Geneva and bishop of Cambrai, afterwards a rival pope under the title of Clement VII.), *archdeacon of Dorset* and prebendary of Woodford and Wilsford; W. de Agrifolio the younger, holding by a provision from the Pope the *archdeaconry of Berks*, besides the prebendal stall of Highworth, and already on his way to the college of cardinals.

As to *Lincoln*, the number of cardinals holding preferment thence up to the time of K. Richard II. is remarkable; and to some it will be surprising.

I will leave it to those who are versed in the Notitia Cardinalatus, and Flores Italiae Purpuratae, to trace the history of those whose names I gather from Hardy and Le Neve. For the earlier names I have derived some help from the two lists printed by Canon F. C. Hingeston-Randolph from Bp Grandisson's Register I. pp. 414, 415.

Roman Cardinals having Lincoln preferment.

1303—41. Neapolio, tit. S. Adriani diac., the prebend of Sutton cum Bucks. (also South Cave, York).

1307—46. Reymund del Goud, or de la Goth[1], or de Fargis, card. diac. S. Mariae Novae, *Dean*, archd. of Leicester and preb. of Ketton and Nassington. He held also the Deaneries of St Paul's, and Salisbury, and York, the important archdeaconry of Canterbury (1324), and the precentory of Lichfield.

1312. Gailhardus de Mota [tit. S. Luciae in Scilice, diac.], *Archd. of Oxon*, preb. of Milton Eccl. and of Stoke. (Also precentor of Chichester.)

1316. Jacobus cardinalis, preb. of Croperdy. (Was this Jac. Mirapiscensis, tit. S. Priscae, presb., or Jac. Gaietanus, tit. S. Georgii ad Velum aureum diac.?)

1317. Bertrand de Poyeto ('Rogeto' *Hardy*) Hostiensis et Belletrensis episc., preb. of Croperdy.

1317. Gaucelinus, preb. of Louth. (Perhaps Gauc. Johannis, Albanensis episc. Legatus; who held the preb. of Driffield, York.)

1331. Petrus [de Mortuomari], tit. S. Stephani in Caelio

[1] Pope Clement V. was named Bertrand *de Goth*.

monte, presb. *Archd. of Northampton*, and preb. of Thame (and possibly of Strensall, York).

1333. Ambaldus, Albanensis episc. *Archd. of Bucks.* (The Bp of Alba, both in 1328 and 1343, appears however in the Exeter Register as 'Gaucelinus Johannis.')

1335. Aniballus or Ambaldus de Chicano, Tusculanus episc. preb. of Corringham. (Called 'Neaples' in the Exeter list of 1343. He was Treasurer of York 1349.)

1335. Johannes de Comienis, Portuensis episc. ('Connenarus' *Hardy*), *Archd. of Northampton.* He reappears in 1339 as 'Comenges' preb. of Leicester St Margaret.

1335. Tailhardus (al's 'Taleyrandus') de Petragoricis, [? Albanensis episc.], tit. S. Petri ad Vincula, presb. preb. of Thame. I suppose this is the same person as Hardy enters again in 1340 as cardinalis de Peregit' al's Peregoz. Talyrand, Albanensis, tit. S. Petri ad Vincula, was Dean of York in 1343 and perhaps preb. of Strensall.

cir. 1360. Owen 'cardinalis Magdalen,' preb. of Norton Episcopi.

cir. 1365. Hugh, tit. S. Mariae in Porticu, *Precentor*, and preb. of Milton Manor and Milton Ecclesia.

1372. Francis, Sabinensis episc., preb. of Milton Ecclesia. He was likewise Dean of Lichfield, and possibly Archd. of W. Riding, York.

cir. 1372. Simon, tit. S. Sixti, *Dean*, and preb. of Brampton (perhaps also of Wistow, York). A complaint was raised in Parliament against his holding this deanery. Rot. 50 Edw. III. n. 47. In 1374 the King required from Bishops a return of the names of beneficed aliens.

cir. 1378. S..... cardinal, preb. of Thame. (Possibly the same as the preceding.)

cir. 1378. Johannes de Albano [episc.], preb. of Sutton cum Bucks. (J. de Blandiaco, bp of Nismes was Archd. of Sarum. Johannes Anglicus was Dean of York in 1366.)

1378. Petrus de Yeverino, preb. of Ailesbury.

1378. Glandcen, preb. of Nassington.

? (Bertrand, tit. S. Priscae, presb. is mentioned incidentally in the 15th cent. as having been at some time not exactly specified a predecessor of Dean Macworth as preb. of Nassington. See below, p. 261, and the note there.)

1379. [Willielmus] de Agrifolio ? tit. S. Stephani presb. ? preb. of Corringham. (If this is the same as W. de Agrifolio junior, who died in 1402, mentioned by Rich Jones as sometime Archd. of Berks and Taunton, he is said not to have become cardinal till 1382.)

1380. Nicolaus, kinsman of the Pope [? Urban VI., Prignano], preb. of Thame.

cir. 1383. Philippus, presb., preb. of Brampton.

cir. 1384. Lucas, presb., preb. of Brampton.

1388. Perun, tit. S. Georgii (? diac.), preb. of Sutton cum Bucks.

1390. Henricus Neapolitanus, preb. of Sutton cum Bucks. A cardinal of Naples was Archd. of Dorset cir. 1379—85, but Rich Jones inclines to identify him with *Nicolas* Caraccioli.

Under the foregoing entries, 26 in number, we may distinguish 25 different cardinals. Of these 7 held a 'dignity' at Lincoln, and in almost every case a prebend also; of the rest there are 18 who held a prebend here, not unfrequently coupled with preferment in some other English diocese or dioceses. The Popes, or their nominees, in the 14th century secured at Salisbury the dignities rather than the prebendal stalls; but at Lincoln they acquired several of each kind of preferment.

In the time of Pope John XXII., when Bp Grandisson of Exeter procured a list of 24 titles of Rome which in October, 1328, had cardinals appointed to fill them, *nine*, or more than one third of the number, had been provided to canonries at Lincoln. And it seems by no means unlikely that some of the remaining 15 had the expectancy of a next avoidance secured to them as far as the Pope's seal could do it.

In the 15th century when their power to appropriate English benefices to aliens was effectually cut off, the Popes resumed or developed the earlier policy of appointing Englishmen as Cardinals[1].

Thus we have among our eminent men at Lincoln

Philip Repingdon, Bishop. Cardinal SS. Nerei et Achillei, 1408.

[1] Francis Thynne's catalogue of Englishmen who were Cardinals of Rome from 1159 to 1558 is appended to the Reign of Q. Mary in Holinshed's *Chronicles*.

Henry Beaufort (of Winton); formerly, 1390, preb. of Thame and Sutton cum Bucks, and Bishop; tit. S. Eusebei? 1426.

Thomas Bourchier (of Worcester); formerly, 1433—5, preb. of Coringham; tit. S. Cyriaci in Thermis, 1465.

John Morton (of Canterbury); formerly preb. of Welton Westhall, Subdean, Archd. Hunts; tit. S. Anastasii, 1493.

Christopher Bainbridge (of York); formerly preb. of N. Kelsey; tit. S. Praxed, 1511.

Thomas Wolsey (of York), formerly Dean, and more recently Bp of Lincoln, tit. S. Caeciliae, 1515.

The three Englishmen distinguished by the scarlet in the former half of the 14th century were Friars Preachers. In 1368 came Simon Langham, a monk as well as Archbishop. He was followed by Abp Thoresby (once prebendary here) and Adam Easton.

In the 15th century we find only one foreign cardinal in our Lincoln annals, to balance the five and twenty of the previous century. And he moreover owed his preferment here not to Pope Eugenius IV., but to our king Henry VI. This was Hardesinus 'cardinal of Navarre' who held the archdeaconry of Northampton in 1431—4.

Adding to our list

J. de Thoresby (of York); formerly, 1340—47, preb. of Thorngate Linc.; Cardinal with tit. S. Petri ad Vincula, cir. 1370,

we find 7 Englishmen and 26 aliens, 32 cardinals in all, who were, or at one time or another had been, Canons or Dignitaries of Lincoln. The number of other foreign-looking names (*not* specified by Hardy to belong to *Cardinals*) is proportionately large in our *Fasti*. See also Wordsworth, *Eccl. Biog.* (1853) i. 135—6, 191, 483—4 *n.*

In the York *Fasti* I count on a hasty survey about 45 cardinals. The Archdeaconry of the West Riding from 1307—1384, and the stall of Strensall 1355—1405 seem to have been specially affected by them.

The Lauda or Awards.

(See below, pp. 182—267.)

For some time in the twelfth and thirteenth centuries the Bishops of Lincoln were almost invariably appointed from among the Canons. Thus we find R. de Chesney, Geoffrey (elect), and Walter de Coutances, archdeacons; (St Hugh, a Cistercian prior) W. of Blois, precentor; (Hugh de Welles[1]), R. Grosseteste, archd.; H. de Lexington, R. de Gravesend, and Oliver Sutton, deans; J. de Dalderby, chancellor; (Ant. Beek, dean, elected Bishop, was compelled by the Pope's influence to make way for H. Burghersh, a canon of York); T. Beek, canon; J. Gynwell and J. de Bokyngham, archdeacons.

At the end of the fourteenth century a change was made in the appointments, and from 1398 onward (with some exceptions)[2] a stranger has usually been elected. Though such infusion of new blood must oftentimes have been salutary for the body corporate,—as notably it was when St Hugh, the prior of Witham, was introduced from Somersetshire,—it did not always tell in favour of the peace and harmony of the Chapter, when one *non de gremio Lincolniensis ecclesiae* had been designated as the Bishop.

Litigation between Bishop and Chapter was sharp, no doubt, in the time of Robert Grosseteste, who, before his election to the see, had been prebendary and archdeacon for fourteen or fifteen years at Lincoln (as well as at Salisbury), but the points in controversy were set at rest at the expense of an appeal to Rome, accompanied, it is said, by the single unworthy action in that brave man's public career, the payment of bribes to procure the

[1] According to J. de Schalby's brief memoir, Hugh de Welles had been 'Regis Anglie Cancellarius.' Dimock (*Girald. Cambr.* vii. p. 203) proposes to read 'Clericus.'

[2] So far as Le Neve's *Fasti* informs us, there have been as many as eight *gremial* Bishops of Lincoln between 1452 and the present day. The latest instance was in 1761 when a Dean of Lincoln was made Bishop of this Church.

course of justice. The result has been, that each successive Bishop of Lincoln has had secured to him a position, not only as Visitor, but as, in all respects, the *principale caput* of the Chapter; and his preeminence at Lincoln has been long since established more firmly than that of the Bishop in some of the sister Churches, where the Bishop is in certain respects dependent on the Chapter even after his election.

The *Chapter-House* at Lincoln, in the opinion of the late Precentor Venables, was begun in the time of Bp Hugh de Welles, about the year 1225, and finished in Grosseteste's time, 1250. A '*parvum capitulum*' (not improbably of earlier date than the great Chapter-House) was in existence in 1271, when 'mats for the little chapter [house]' enter into the accounts of Jordan de Ingham. Let us take note now of some of the Visitations and other meetings which may, in all probability, have been held therein in former days.

Apart from Royal and Metropolitical visitations, the Dean and Chapter of Lincoln have been visited in

1246 by Bp R. Grosseteste.

Cir. 1280—90 by Oliver Sutton, twice. See above, pp. lxxix, lxxxv.

Cir. 1292—1304, 1307, 1316, and at some intermediate date, by J. de Dalderby.

[1301. Feb. 25, the Parliament of K. Edward I. met at Lincoln in the Chapter-House.]

[1310. March—June. The Trial of the Knights Templars was conducted in the Chapter-House.]

[1316. Parliament of K. Edw. II. in the Chapter-House.]

1331. Bp Burghersh's General Meeting, attended by Dean and 14 Canons (besides 15 by proxy). A. 2. 23, lf. 18^{b}.

1334. H. Burghersh.

1437. W. Alnwick. (See pp. 366—465, below.)

1501, 1503, 1507. W. Smyth. (See for two of these his *Life*, by Churton, pp. 116—127. Cf. pp. 678—84, below.)

1515. W. Atwater.

1525. J. Longland.

[1536. Oct. 21. Meeting of leaders of the 'Pilgrimage of Grace.']

1552. J. Tayler.

1556. 1 Aug. J. White, pending Card. Pole's Visitation. White's Injunctions, Strype, *Memorials* iii. Documents no. 52, *in fine*.

1607. W. Chaderton. (See p. 641, below.)

(Cir. 1617—21, G. Montaigne intends to visit.)

1664. B. Laney. (See pp. 644, 652.)

1679 (1690, through a Commission). T. Barlow.

1693. T. Tenison.

1696, 1697, 1700, 1703. James Gardiner.

1706, 1709, 1712. W. Wake. Also in 1715 by a Commission. (See pp. 647, 667, 669.)

1718. Edm. Gibson. (See pp. 647 foll.)

1724, 1729, 1733, 1736. Ri. Reynolds. (See pp. 647, 670.)

1745, 1748, 1751 (and 1755). J. Thomas.

[1871. Lincoln Diocesan Synod held in the Chapter-House.]

1873, 1876, 1879—80. Chr. Wordsworth. (See the first of his *Twelve Addresses*, and his *Statuta Eccl. Linc.* 1873. Also his *Diocesan Addresses*, 1876, p. 97, and *Ten Addresses*, 1879, p. 1. See also pp. 673—694, below.)

There are records of many of the above-mentioned Visitations among the Chapter Muniments, D. vi. 2. It is probable that there was an exception made to the Bishop of Lincoln's visitatorial right, viz. in the case of the prebendal parishes. See below, p. 282, *margin*, where Bp Alnwick keeps the question open for further consideration.

In comparatively early times the absolute right of a Bishop of *Salisbury* to visit his Chapter was successfully resisted by the Canons. In 1262 Egidius de Bridport, who came from the deanery of Wells, and who had seen the Church of New Sarum completed, gave notice of his intention to visit the Dean and Chapter. When they challenged his authority in such a case, the Bishop examined into the matter, and confessed that he could not justify his claim, and testified in writing that the D. and C. of Salisbury were 'always free from visitation by

Bishops of Sarum; particularly as we understand that this right belongs to the duty and dignity of the Dean.' It was a transcript of the document setting forth this Sarum privilege, that Dean Macworth at Lincoln procured as a weapon of defence against his Bishop[1]. But the Dean and Chapter of Salisbury in the 15th century did not inform the Lincoln folk that Pope Boniface IX. had shorn them considerably of this liberty. John Waltham, Bp of Sarum in 1392, had again claimed visitatorial jurisdiction and had brought their predecessors to a composition which the Pope confirmed. The Bishop gained for *himself* the right to visit *as often as he pleased*, and exercised it in 1393 (nearly the last year of his life), while he secured for his successors, Bishops of Salisbury, the right to visit the Dean and Chapter in the Chapter House once every seven years. Thus Mr Rich Jones records three episcopal visitations of Salisbury Cathedral in the 14th century, six in the latter half of the 15th, and four in the 17th century, the last being by Gilbert Burnet in 1697. In the time of Burnet's predecessor, Bp Seth Ward, Abp Sancroft, as well as Lord North, had been called to intervene when this right was disputed in 1683—6; and the Primate succeeded in restoring concord by a commission[2].

There is evidence that the Dean and Chapter of Lincoln have been visited by the Bishop of the Diocese on many occasions from the 13th century to the 19th.

[1] See the Lincoln *Black Book*, pp. 404—7; 165—6. We find nevertheless numerous later precedents for Visitation of Salisbury Cathedral Church by Bishops of Sarum, viz. in the years 1393, 1408, 1454, 1468, 1507 (misprinted '1570'), 1562, 1568, 1573, 1578, 1593, 1636, 1661, 1672, 1697: the first of these by Bp J. Waltham, the last by Gilbert Burnet. See Jones' *Fasti Sarisb.* p. 213. And still more recently the present Bishop of Salisbury visited the D. and C., Apr. 13th and 17th, 1888. See *Sarum Dio. Gazette*, pp. 22, 39. And cf. p. 110, at Oct. 30. About 1338 a Bishop of Wells visited his Cathedral Church, but not without some opposition.

[2] *Fasti Eccl. Sar.*, W. H. [Rich] Jones, pp. 211—214. Instances of the Bp of Salisbury taking his place at Chapter meetings in the 16th—18th century are cited, *ibid.* p. 208 *n.*

As regards administration of the see when the bishopric was vacant, it appears that R. de Hayles, archdeacon of Lincoln, made institutions in the first year of St Edmund of Canterbury, i.e. in 1234—5, after the death of Hugh de Wells. (D. ii. 62, box 1.) After the death of Grosseteste, Abp Boniface claimed to administer the see, but W. Lupus, archd. of Lincoln, and the Chapter pleaded ancient custom for their jurisdiction. The evidence in favour of the Dean and Chapter of Lincoln, as well as the Articles put forward by the Primate, are preserved in a parchment book (D. ii. 62, no. 4) covered in a piece of a papal bull, 1253. The Abp took exception to some of the witnesses put forward by the D. and C., such as the late precentor, Peter de Audenham or Aldham, Michael, archd. of Bucks, and Walter de St Quentin, archd. of Taunton. (D. ii. 62, box 1.) A roll of about the same date, containing precedents from the dioceses of London, Canterbury, &c., in favour of the liberties of the D. and C. during vacancy of the see is likewise preserved at Lincoln. (D. ii. 62, box 2.)

Even at the present day it has been allowed that of common right, as also by the canon law, Deans and Chapters are guardians of the spiritualities during a vacancy (as the king has custody of the temporalities). This still has the force of custom as regards the D. and C. of Canterbury, when the primatial see is vacant; but, either by prescription or by composition, the archbishop claims in most other dioceses to execute all episcopal rights and to execute all ecclesiastical jurisdiction personally or by his commissioners. (Burn, *Eccl. Law*, I. 225—6.) In the cases of Lincoln and Salisbury (and possibly of other dioceses) the archbishop of Canterbury is bound to nominate one of the gremial Canons as his *officialis sede vacante*; but sometimes a Canon of Canterbury has acted as Vicar-General (cir. 1660)[1].

[1] The Abp is required to select one out of 'tres vel quatuor de Canonicis ipsius ecclesie' by the terms of the composition between Abp Boniface and the D. and C. made in 1261. *Black Book*, pp. 311—12. Precedents for *Lincoln* are found in 1299, 1319, 1705, &c. For *Salisbury* see their *Statutes* (ed. Dayman and Jones), pp. 19, 20.

A mid-thirteenth century precedent for a large chapter meeting or convocation of canons at Lincoln (including, no doubt, a majority of canons not at the moment 'in residence') is found among our muniments (D. ii. 60, box 2, labelled 'Internal Relations of Dean and Chapter: Vacancy of See'). Besides an earlier monition (1183—5) and many of a later period, there are seven documents here relating to the vacancy of the See which occurred after the death of Rob. Grosseteste, 9 Oct. 1253, his successor dean H. de Lexington being elected bishop 30 Dec. 1253, and consecrated 17 May 1254 by Abp Boniface *in partibus transmarinis*. Some of these records will be mentioned presently.

The disputes relating to jurisdiction and fees during the vacancy were not terminated until some time after the see had once again become vacant, and had been once more re-filled by the election of Ri. de Gravesend (who, like his predecessor H. de Lexington, had been dean), 30 Sept. 1258.

One of the documents in this box is a decision of Pope Alexander IV. judging all prebendaries to be liable with D. and C. to payment of contributions in defence of the liberties of the church. This is dated 15 May, 1256. Other documents from D. ii. 60, box 2, are noticed in the present section of Introduction, but we may mention in particular an Agreement (21 May 1261) between the Abp and the D. and C. of Lincoln about exercise of jurisdiction during the vacancy of the see, when it was settled that the Chapter should select three or four names from among the Canons, and that the Archbishop of Canterbury should nominate one of these as Official *sede vacante*. The see was already filled by the appointment of Bp Gravesend in 1258, but past difficulties had occasioned this arrangement with a view to future vacancies.

The remaining document, to which we are calling special attention, is of rather earlier date than the one just named. It is somewhat torn, but I give the writing which remains.

A Meeting of Bishop (or Dean) H.
with (Archdeacons and) Brethren
of Lincoln, about forty
in number, *in Capitulo*
14 Octob. [cir. 1255.]

MEMORANDUM quod pridie Idus Octobris, die scil*icet* sancti Kalixti, in Capitulo Linc*oln'* presen*tibus* dño H[enrico (de Lexynton) episcopo (? decano) Li]nc*oln'* et fratribus aliis quadraginta⁊ Archidiaconi eiusdem ecclesie profitebantur quod, cum uacante sede Lincoln*iensi* Archidiaconi sunt in possessione [...*torn*...]os ad ecclesias parochiales de confirmando electos · quod hanc possessionem habent et exercent iure et *racio*ne Decani et Ca[pituli,] ad quos de iure Communi Iurediccio Episcopalis uacante sede dinoscitur pertinere. Ita tamen quod contra consuetudinem antiq*ua*m et optentam ipsis Decano et Capitulo super dictos Archidiaconos tempore uacacionis aliqua iurisdiccio non accrescat · [ubi] in casu [appellacionis] quantum ad expedicionem premissorum [...*torn*...] Archidiaconi concesserunt · vt q*uia* materia q*ues*tionis mouebatur Decano et Capitulo super premissis Dño Bonefacio tunc Cantuar*iensi* Archiep[iscopo] super Jurisdiccione Episcopali predicta⁊ Due partes sequestrorum que prouenerint in diocesi tempore uacacionis post obitum uenerabilis patris Dñi Roberti [nuper] Lincolñ Episcopi Capitulo per manus ipsorum Archidiaconorum assignentur. Et si causa proteletur ultra tempus quo [prouisum] fuerit ecclesie Linc', dabunt integram partem ipsos contingentem dicto Capitulo · quousque causa fuerit terminata. Ita quidem quod huiusmodi [contribu]cio (? *al.* 'assignacio') Archidiaconis nullum preiudicium faciat, nec aliquo modo traheretur ad consequenciam in contribucionibus aliis futuris temporibus faciendis.

E[t in huius rei testimonium] huic scripto sigillum Capituli est ape*n*sum† vna cum sigillis Archidiaconorum ecclesie Li[ncolniensis].

(There are nine slits at the foot of the parchment

through which the seals were probably attached, but only the middle one, probably that of the Dean and Chapter, has its shred of vellum remaining, and no crumb of wax is left adhering to it. The eight Archdeacons in Lincoln diocese at that time were those of Lincoln, Hunts, Northants, Leicester, Oxon, Bucks, Beds, and Stow.)

It will be seen that when in May 1261 Abp Boniface delivered his agreement or 'composition' at Lambeth, between himself and the Dean and Chapter of Lincoln (*Black Book*, pp. 311—315) it was determined that the Archdeacons should have one third part of the *sequestra* which would have accrued to the Bishop had the see been filled up, in addition to their usual share. The Archdeacon of Bucks in any case received *all* sequestrations gathered in his own Archdeaconry. They were also to have one quarter of the synodal contributions. The Archbishop was to take the remainder of the Bishop of Lincoln's dues '*cum onere suo*.' We have quoted (*ibid.* p. 88) another curious relic of the same dispute, namely, the Dean's letter to the Subdean, to which we will presently refer.

We may conclude that the meeting of the 'forty Brethren' *in Capitulo*[1] took place in the October of 1254 or of some other year not later than 1260, after which the dispute was at an end; and most probably before Aug. 1258 when H. de Lexington died. Possibly it may have been dated as early as 14 Oct. 1253: in which case we must supply 'dño H[enrico de Lexyngton *Decano* Lin]coln.'

Very early in the time of Bp Gravesend we find the D. and C. calling in the assistance of the Pope (Alexander IV.) to repel the invasion of their rights by the Abp of *York* (Godfrey de Ludham). His bull, dated 24 Apr.

[1] '*Greater Chapter*': So says J. F. Wickenden's memorandum in D. ii. 60, box 2. But I suppose Bradshaw would not approve the phrase. In point of fact no such phrase is used in the document itself, but only 'presente dño' &c. 'et fratribus aliis quadraginta.' Wickenden in describing the document merely used a phrase which a dozen years ago was 'in the air.' (See pp. cii, clxxxiv *n.*, 707—9.)

1259, may be seen at Lincoln, with four other documents somewhat later; two protests, made in the time of Oliver Sutton, against the officials of the Court of J. Peckham, Abp of Canterbury, attempting to administer wills, &c., 23 Feb. 1280, 1 Feb. 1290; and a notice of appeal is dated 1 May, 1291. A notarial instrument for J. de Dalderby complains of some interference with his right to appoint to all prebends of Lincoln, 25 Sept. 1312[1].

After the death of Henry de Lexington, 8 Aug. 1258, although the temporalities were restored to his successor, Richard de Gravesend, about two months later[2], the Archbishop found time to attempt the exercise of jurisdiction[3]. On the 24th of Aug. 1258 the pope issued an Injunction restraining the Archbishop from promulgating excommunications in the diocese of Lincoln during the vacancy. We have a memorandum of the protest made by two of the canons (J. Derby and W. de Hemyngburgh) on the part of the D. and C. In the month of October (1258) the precentor Hugh, and John Chancellor of York, served a monition upon Abp Boniface, requiring him (under authority of a bull of Alexander IV., 2 Nov. 1254) not to subject the D. and C. of Lincoln to ecclesiastical censures while defending the rights of their church. The dispute, as we have seen, was not settled until 22 May, 1261[4], and there is a trace of its progress after the new bishop's consecration in the letter of Dean R. de Marisco (23 Aug. 1259) to the Subdean, asking

[1] All these are in D. ii. 62, box 1.

[2] The election no doubt was hurried on, because K. Henry III. was taking steps to get a nominee of his own appointed, viz. Peter de Aqua Blanca, Bp of Hereford, who did not bear a good repute with churchmen, as he had been guilty of a fraudulent act.

[3] There was, I believe, an early claim made (on the death of Grosseteste in 1253) by the same Abp Boniface to administer the Diocese. Evidence for D. and C. of Lincoln. Articles advanced by Abp Boniface may be found in our Muniment Room, D. ii. 62 (box 4). This is a parchment book of 35 (formerly 43 leaves) and has a papal bull for its cover.

[4] *Black Book*, pp. 311—315.

him to forward evidences, which I have given in the previous volume[1].

Instances of Metropolitical Visitation of the diocese of Lincoln by Archbishops of Canterbury may be cited:—

1320. Walter Reynold.

J. Gynewell, Bp of Lincoln, procured a bull of exemption at great cost from Pope Clement VI. It was, however, set aside in favour of the claims put forward by Abp Islip.

1390. W. Courtenay. (See A. 2. 11, no. 2.)

1505, June 18, 19. W. Warham's Vicar-General. (See portfolio A. 3. 19, among Chapter Acts.)

1556. Reginald Pole, Cardinal Abp.

1602. J. Whitgift.

1634. W. Laud (? by his Vicar-General)[2].

1673. Gilb. Sheldon.

1686. W. Sancroft.

In April 1548 the Royal Visitors of K. Edward VI. sent Injunctions to Lincoln. (See below, pp. 579, 583—596.)

In 1559 Q. Elizabeth held a Royal Visitation by Commissioners.

It has been remarked that the Dean, being required by statute to be constantly present, is rather a perpetual *supervisor* than an occasional *visitor*. He had, however, at Lincoln (to quote a passage from an address given by my Father, when Bishop of Lincoln, to the Chapter in 1873) "the cure of souls of all the members of the capitular body. He had archidiaconal jurisdiction in all the parishes annexed to the prebends of the Cathedral. He was the 'Censor morum' of the whole body, and all its members promised obedience to him.

"In some Cathedrals of the old foundation [as at Lichfield] the Dean exercised archidiaconal jurisdiction over the churches and parishes of the Cathedral city.

[1] *Black Book*, pp. 88, 89. The original, with the other documents mentioned in the context above, are in D. ii. 60, box 2.

[2] Laud reports to the king that Lincoln Cathedral 'is not well ordered, either for reparation or ornaments; but the Dean and Chapter, to whom that care belongs, have promised speedy amendment.' Wharton's *Hist. of Tryals*, i. p. 531, ed. 1695.

This does not appear to have been the case at Lincoln [where even in Bp Grosseteste's time, A.D. 1240, there was a 'Rural Dean of *Christianity*'...subordinate to the Archdeacon of Lincoln]; but he had the right of visiting the Chapter triennially, and of correcting abuses in it[1]."

Also "at Lincoln he (the Dean) had the cure of souls in the precincts, and of all that large body of persons who were engaged in the services of the Cathedral Church." Modern changes have left him "without a parish as well as without an archdeaconry[2]."

We find several Deans of Lincoln holding their visitations[3], as of old (pp. civ, 288), so in modern times:—

1663, 1666, 1669, 1673, 1676. Michael Honywood. (His monition is in D. vii. 2, no. 20.)

1698. Sam. Fuller.

1737. E. Willes (D. ii. 55, box 3).

1791. Sir Ri. Kaye.

For two hundred years after Grosseteste's time[4], when

[1] *Twelve Addresses delivered at his Visitation* of the Cathedral and Diocese of Lincoln, A.D. 1873, *by* Chr. Wordsworth, D.D., *Bp of Lincoln*, pp. 12, 13. [2] *Ibid.* p. 25. *Infra*, pp. 285, 342—3; 422 § 26.

[3] I have not yet read the records of Decanal Visitations, but I find that in Feb. 1322 the Subdean and Chapter assured Dean Mammesfeld that *Chapter* as well as Dean ought to issue summons for his Visitation. It was held in St Mary Magdalen's Church; continued 27 Apr. 1322. Visitations of Prebendal estates and Churches and their dependent Chapels by Deans of *Sarum* in 1220, 1222, 1224, and 1226 are recorded in the 'Osmund' Register, and the duty of the Dean to visit prebends in case the Canons were negligent, was established by an ordinance or constitution of the year 1214 passed when Ri. Poore was Dean of Sarum and Rob. Grosseteste Archdeacon of Wilts. The Dean of *Westminster* used to go on 'progress' round the chapter estates holding his courts and visiting the Churches in modern times. Thus I have seen the itinerary note-book of his progress, with rapid sketches in his own hand, by Samuel Wilberforce, made when he was Dean in 1846.

[4] In the Chapter Acts '*A. primum*' (A. 2. 22) there is a single sheet which contains the proceedings of the Chancellor Ralph Barry, the Subdean H. de Beningworth, and J. de Harington, who had been appointed Commissioners in Chapter in 1312—13, in the question between Dean Roger de Martiuallis (so the name is there spelt uniformly) and the Canons. The sittings were carried on to Whitsun-eve, 2 June, 1313. J. de Schalby's and A. de Beek's books speak of other quarrels.

internal troubles arose at Lincoln, in spite of the founder's efforts to place his Canons out of the hearing of the strife of tongues, and 'ab omni garrulitatis cuiuslibet strepitu liberos,' the Bishop was able to exercise his proper function, as peacemaker, from a position of superiority, and as a general rule to turn to good account that intimate knowledge of the unwritten customs with which his apprenticeship as a prebendary had endowed him, and which for the most part (when faithfully and wisely applied) met with a loyal submission from the contending parties.

These were the Deans from time to time and certain of the Canons[1]: and during the period which we have indicated the *lauda episcoporum*, or awards, were pretty numerous. But within this time, if a Bishop ever figures as a party in the dispute, it is not the Bishop of the diocese—his position is clearly established—but it is the Primate of all England, or else the Pope of Rome, who intervenes or appears as a party to some suit. Thus we find, in 1261, Boniface Abp of Canterbury issuing an Award, or Composition, between himself and Rob. de Mariscis (Dean) and Chapter of Lincoln and their respective successors to provide for the exercise of jurisdiction in the interval between the decease or cession of a Bishop of Lincoln and the admission of his successor. Some difficulties may have arisen on occasion of the last vacancy previous, i.e. between the death of Henry de Lexington and the appointment of Richard de Gravesend. Both these prelates had themselves been deans of Lincoln, as was Oliver Sutton when the next vacancy occurred in

[1] John de Schalby, in his brief memoirs of the Bishops of Lincoln, records that among Grosseteste's papers were found after his death several bulls which he had procured for the protection of his episcopal rights, and that with these was preserved the bull *Attendentes* of Innocent IV., A.D. 1252, by which the clergy were excused and exempted from paying procuration-fees to the Archbishop when he held a metropolitical visitation. See *Liber Niger*, p. 323, *Schalby's Book*, lf. 5ª. There is at Lincoln a letter of Innocent IV. (31 Oct. anno 1°, 1243) on the Appeal of the D. and C. against the right of the Bishop to visit in the Chapter House and in prebendal churches. D. ii. 62, box 1.

Dec. 1279. In 1333—4 Pope John XXII. intervened in the days of Bp H. de Burghersh, Ant. Beek the younger being dean, who bequeathed the suit at Avignon, probably to his immediate successor John de Nottingham, and certainly to W. Bateman ('de Norwich') who succeeded to the Deanery in 1340. The Bishop of Lincoln was not a party to this suit, but the dispute lay between the Dean for the time being and the Chapter. In 1346 Abp J. Stratford gave a decision in the matter of the appointment to the keepership of the Altar of St Peter, which was in dispute between J. de Ufford and the Chapter. Here again the Bishop, Thomas le Bek, was not a party to the suit excepting so far as he might be considered to have a small share in the prebendal right involved. J. de Ufford had been prebendary centum solidorum before he exchanged into the Chapter of St Paul's.

Several documents of this date remain at Lincoln (in D. ii. 60, box 2). The following may be enumerated.

The Chapter of Lincoln revoke the mandate of J. de Bourne, prebendary of Bedford major, their proctor in a suit brought against them by J. de Nottingham, the late Dean, and W. Bateman de Norwich, his successor, 30 Apr. 1341.—Decision of J. Stratford, Abp, on appeal of Dean Bateman and Simon de Islip, preb. of Welton Beckhall, on behalf of the Chapter, appearing personally, on the rights of the Dean and the Chapter respectively, 9 Mar. 1343.—Decision of Abp Stratford on matters in dispute between Dean Bateman and the Chapter, cir. 1340—44.

Nic. Vordis, LL.D., papal auditor, writes to [T. Arundel] Abp, declaring the relative jurisdiction of the Dean of Lincoln and the Chapter, at the instance of J. de Shepey, Dean, 1407.—Appeal against Dean Shepey. The Subdean and Chapter at a visitation of the Chapter make representation concerning the inconvenience caused by non-residence of the Dean (no date or name given. But we state that Shepey was the Dean in question on Bradshaw's authority). (D. ii. 60, box 2.)

Bp John de Dalderby had had a dispute with Robert Winchelsey, Abp of Canterbury (cir. 1300—1313), as to the right of probate of the wills of such persons as died possessed of property in the diocese of Lincoln and elsewhere. A suit was pending in the Court of Rome; but the next Archbishop, Walter Reynold, came to terms with the Bishop (8 Jan. 1319) out of court, and agreed to renounce all right of appeal upon the question, as may be seen in the *Black Book*, pp. 324—5. Two days earlier the Primate had confirmed the rights of the Dean and Chapter in various churches. (D. ii. 62, box 1.)

In 1390 we find W. Courtenay, Abp of Canterbury, holding a visitation; it is thought that he considered the worthy old Bishop of Lincoln, John de Bokingham, scarcely zealous enough in his enquiry after the Lollards or Wycliffites in his diocese, and he had accordingly visited him at Leicester in 1389. A copy of his ordinance on disorders in the Cathedral Church at Lincoln, 12 May, 1390, in a late 15 cent. transcript, is preserved among the muniments in the portfolio marked A. 2. 11.

In 1388 John de Shepeye, LL.D., Chancellor of Lichfield 1368—76, succeeded to the deanery of Lincoln. Complaints were raised by the Chapter against his administration, and the cause was tried and decided by an award, in 1404, by Henry Beaufort, then Bishop of the diocese of Lincoln and subsequently Bishop of Winchester and Cardinal[1].

In 1412 John Macworth, LL.D., succeeded to the Deanery. He had been Chancellor to Henry Prince of Wales (afterwards king Henry V.), and in 1404 was presented by the king, Henry IV., to the stall of Empingham in Lincoln Minster (his brother, Thomas Mackworth of Mackworth in co. Derby, having, as Mr Maddison informs us, married the heiress of that manor). Under such patronage, and being a man of considerable force of character, he maintained his right to this prebend against

[1] The Chapter had also a dispute with the Treasurer (prob. Peter Dalton) about 1388. A paper of evidence on the subject is in A. 2. 13.

a nominee of Pope Innocent VII., although it was not until the year of his appointment to the Deanery that he received installation. In the interim he had been archdeacon of Dorset (1406) and of Norfolk (1408). In 1422 Bp Richard Flemmyng collated him to the stall of Nassington, which he held until his death in 1451. While he was Dean of Lincoln he saw a succession of five or six Bishops. Philip Repingdon (who had been abbat of Leicester and Chancellor of Oxford in 1400, and Cardinal in 1408) resigned his see in 1419, as king Henry V. had set his face against English Bishops receiving the hat. Richard Flemmyng succeeded. Then in 1431 William Gray, who had been Dean of York 1421, and Bp of London 1426. William Alnwick, who was translated from Norwich in 1436. And, lastly, Marmaduke Lumley, translated from Carlisle, who held the see for some months only in 1450. John Chedworth, though elected early in 1451, was not consecrated till June 1452; and in this interval Dean Macworth died, after holding the deanery for nearly forty years.

Under four bishops, and for the space of about five and twenty years, Dean Macworth was constantly delated to the Bishop for the time being, by several of the canons, on charges somewhat similar to those for which his predecessor J. de Shepeye had been censured. Year after year he had enjoyed his prebend in Rutland (or, after 1422, in Northamptonshire), his non-residence being in itself a scandal; but he never would consent to provide a vicar according to the statute 'to follow the choir in place of the absent canon.' He received (so the charges alleged against him) the rents of Chesterfield mill, and of property at Worksworth and Querenden, but he persistently neglected to fulfil the obligation for which these endowments had been left, or to provide a chaplain to pray for his predecessors' and other Christian souls at the *missa matutinalis*. He neglected the celebration of obits of kings and bishops, for which he was bound to provide. He would not entertain the ministers of the Cathedral upon

double feasts. as the statutes required him to do. He required persons to attend him at a distance from their homes, and in unstatutable places. He told scandalous tales about the canons to personages in high station. When he came to Lincoln he did not behave more acceptably:—he made the ringers stop the bells before the canon on duty could arrive at the church, he sent word to the choir to wait out for him to come to mass long after the celebrant had gone to the altar. He claimed to say mass in place of the regular celebrant at a moment's notice. He introduced into the Chapter-house armed laymen to overawe the Chapter, and a clerk to tell the secrets of their deliberations. His servants kept the close-gates open at improper hours, and interfered with the porter in the performance of his duty. The Dean took away the 'Black Book,' which ought to be left for reference in the church. This last was a special offence, because this 'liber consuetudinarius ecclesie' was, in those days of litigation, liable to be required as an evidence; and we find instances as early as the time of J. de Schalby and as late as the 17th and 18th centuries when books of Lincoln Statutes and Customs were exhibited in court. Some of these charges may have been trivial and spiteful, others may have been due to a desire of certain offenders to hide their own shady character by blackening the reputation of another. But I can hardly suppose that all were without foundation in fact.

Bishop after bishop was entreated to intervene, and the Dean of Lincoln treated them somewhat as in later days Dr Bentley treated the Bishop of Ely and the University authorities; except that Macworth did not appeal to any other tribunal, but made repeated protestations of his willingness to abide by his lordship's decree. Cardinal Repyngdon and Bp Flemmyng both tried their hands at a composition between the parties, but with no permanent success. Then Bp Gray produced an excellent award, but unfortunately he or his legal advisers had not been sufficiently business-like in the

preliminaries, and (as in the case of so many of the ecclesiastical judgements in a recent generation) a slight flaw upset the whole.

We may pause in this place to give the preamble of Bp Gray's *Laudum* (24—27 Sept., 1434) and to enumerate the counter-charges which the Dean brought against the Canons[1].

In Dei Nomine Amen.

Cum post Laudum dudum super diuersis[2] et discordiis inter magistrum Johannem Macworth decanum ecclesie Lincolñ et Capitulum eiusdem exortis latum, nonnulle alie graues discordie, lites, et dissenciones inter eosdem Decanum et Capitulum, inimico homini, qui zizania superseminauit[3], ministrante, denuo sunt exorte.

Ad quas penitus cedendas† pacemque inter ipsos Decanum et Capitulum componendam ac reformandos mores in populo.

Nos Will'mus permissione diuina Lincolñ episcopus prefatos Dec. et Cap., singulosque Canonicos dicte ecclesie nostre Lincolñ, ac alios dignitates, prebendas, personatus vel officia in eadem obtinentes, et infra Regnum protunc existentes &c.

[1] We owe these extracts to the kindness of the Rev. A. R. Maddison, F.S.A.

[2] *diuersis*: Anglicè, 'differences.'

[3] This reminds us of the phrase in Alnwick's *Novum Registrum*, 'procurante satore zizannie, qui iugiter sedet in insidiis ecclesiasticis viris,' where he is quoting Bp Braybrooke, and *he* imitating the *Corpus Juris Canonici*. See below, p. 269. I recognise the first part of this phrase in Abp Kempe's Injunctions for Windsor in 1432; and the latter half has a parallel in one of the canons of the Council of Oxford which are sometimes cited as of the year 1222. 'Quia vero nonnumquam serpens antiquus, qui iugiter insidiatur sanctis viris' (*Provinc.* app. p. 5), where Spelman's text (ii. p. 188) has 'jugiter *sedet in insidiis* sanctis viris.' It seems probable that Bp Gray (as we find to be the case perhaps with Gravesend before—see *Black Book*, pp. 419—20—and Alnwick after him, pp. 268 *n.*, 496) used the phraseology of the canonists in his awards as naturally and unconsciously as their modern successors would adopt biblical phraseology in their sermons and addresses.

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in domo capitulari dicte ecclesie nostre Lincolñ fecimus conuocari.

In cuiusmodi conuocacione nostra[1] dictus magister Johannes decanus nonnullas materias litis, controuersie, et discordie inter ipsum et dictum Capitulum exortarum quamplura querelas et grauamina sibi et dignitati sue decanali, vt asseruit, multum preiudicialia, et per dictum Cap. sibi, vt eciam asseruit, illata et irrogata continentes, videlicet,

1. de medietate feodorum &c. per Canonicos subtracta per sex annos contra laudum.

2. de approbacione et insinuacione testamentorum infra clausum Lincolñ &c.

3. de confirmacione cartarum &c.

4. de presentacione ad ecclesias et vicarias &c.

5. de iurisdiccione exercitata per Canonicos sub nomine Capituli in commorantes in prebendis extra Ciuitatem Lincolñ, contra laudum.

6. de obligacione ecclesie Lincolñ pro obitu Ricardi Rauenser et Will'i Waltham tenendo[2] absque consensu decani per Canonicos facta, et de sexcentis marcis receptis pro eadem per dictos Canonicos, cuius summe magnam partem suis usubus ceperunt.

[1] This use of the term '*Conuocacio nostra*' by Bp Alnwick's predecessor should be observed.

[2] In the 14th century *Liber Cantariarum*, the Ordinance for the Chantry of J. Ravenser (20 Aug. 1398), inserted at lf. 187^{b}, 188^{a}, provides that two chaplains should dwell in one lodging, or at all events both within the close. They are to wear the choral habit and to take part in processions: not to keep a tavern or to frequent dicings (*taxillos*), but to avoid loose company. Their duty was to celebrate for K. Richard (II.), Henry (Beaufort) Bp, Edw. Duke of Albemarle, Eustachia de Ravenser, prioress of Stykeswold, J. Ravenser canon, Richard Ravenser Archd. of Linc. *ob.* May, 1386, W. de Waltham canon preb. of Carlton Kyme, *ob.* 1418. (Ric. de Ragenhill, rector of a Werpleston Wynton, and J. de Popilton, rector of Parkbrimpton, York, executors.) This chantry was founded at St Nicholas' altar 1374—5 (D. ii. 50, box 2). Richard Ravenser gave a cope of white cloth of gold to the Minster. John de Ravenser became preb. of Castor (exchanging from Hovedon) in 1387. He died in 1393, but I think that Hardy is confusing John with Richard when he calls him (*Fasti*, p. 126) 'archdeacon.' Both of them held prebends at York.

7. de firmis canonicalibus destructis &c.

8. de cantariis in ecclesia Lincolñ contra earum fundacionem et ordinacionem vnitis[1], et earum commodis et emolumentis per Canonicos in eorum usus perceptis, suffragiis pro animabus fundatorum omissis.

9. de alienacione temporalium ecclesie Lincolñ per Canonicos &c.

10. de distribucione facienda inter pauperes ciuitatis Lincolñ pro anima fundatoris cantarie de Burghersshe &c.[2]

11. de centum libris pro reparacione tenementorum fabrice ecclesie Lincolñ, et centum marcis pro reparacione firmarum eiusdem ecclesie per magistrum Petrum Dalton relictis &c.[3]

12. Et de vendicione et alienacione perpetua calicum annulorum et aliorum iocalium ecclesie Lincolñ per canonicos uenditorum &c.

The heads of the Canons' complaints against the Dean, of which the full text is given below, are thus introduced:—

Prefatum quoque Capitulum eciam nonnullas materias litis, controuersie, et discordie inter ipsum Capitulum et dictum magistrum Johannem Decanum exortarum quamplura querelas et grauamina ipsi Capitulo, et quibusdam singularibus personis eiusdem, ut pars dicti Capituli asseruit, multum preiudicialia et damnosa, &c.

1. De non residencia et diuturna absencia ipsius Decani ab ecclesia.

2. De pastu chori in festis principalibus, absente Episcopo, per Decanum abstracto.

3. De intitulacione et tabulacione Decani ad supportand' omnia[4] in principalibus et aliis festis.

[4] *forsan* 'onera'.

[1] On the Union of small Chantries, see below, pp. 201, 439.

[2] The Ordinance of the Burghersh Chantry is in the *Liber Cantariarum* fo. 334 *bis*.

[3] Philip Dalton, treasurer of Lincoln, died in Nov. 1402(?) and was buried in the nave. He gave to the Minster a pair of silver candlesticks, a blue cope, and a green cope.

4. De vicario per quemlibet Canonicum non residenciarium ecclesie per se in choro.

5. De septimis per quemlibet canonicum non residenciarium soluend' annuatim, per Dec. non residenciarium subtractis contra iuramentum suum.

6. De correccione detectorum in visitacione Episcopi per Dec. et Capitulum facienda, et per Dec. soli sibi vsurpata.

7. De monicionibus, citacionibus et mandatis auctoritate et nomine Decani et Capituli fiendis, et per Dec. solum suo nomine factis.

8. De Clerico suspecto Decani per ipsum in Capitulum introducto, per quem secreta Capituli reuelantur.

9. De medietate correccionum Canonicorum in Visitacione Decani, a dicto Cap. per Dec. detenta contra laudum.

10. De obediencia per Decanum extorta a quibusdam canonicis admissis, contra formam laudi et preter voluntatem et reclamacionem Canonici.

11. De distribucionibus solum inter Canonicos Residenciarios faciendis, per Dec., Canonicum non residenciarium, contra laudabilem consuetudinem ecclesie [indebite] exactis et perceptis.

12. De Choristis per presidentem et Capitulum in absencia Decani admissis, et per ipsum Dec., absque consensu Capituli, et absque causa racionabili, suspensis.

13. De Inordinato transitu Decani in processionibus contra solitam consuetudinem ecclesie in hoc obseruatam.

14. De Capellano, qui missam matutinalem intitulatus sumptibus Decani celebret[1], per ipsum Dec. non sustentato debite, sed subtracto.

15. De Seruientibus familiaribus Decani impedientibus Janitorem portarum Clausi, ne ipsas portas tempore debito claudere possit, contra consuet. ecclesie.

16. De Jurisdiccione per Decanum adempta a presidente et Capitulo in prebendis et prebendariis in absencia

[1] This Morrow Mass was founded in 1252 by Roger de Weseham (who had been Dean of Lincoln) when he was Bp of Lichfield. See *Ant. Beek's Book*, fo. 23. (Supra, pp. lviii., lix.)

seu necligencia Decani, quam idem Dec. presens et Capitulum extra tempus visitacionis sue decanalis habent in eisdem, contra consuetudinem ecclesie.

17. De obitu Dñi Henr. Lexington per Decanum, vt in duabus marcis per ipsum soluendis tenendo per eundem Dec. subtracto contra Ordinacionem obitus huiusmodi[1].

18. De diminucione feodorum Clerici Capituli et Clerici scribentis litteras Induccionum.

19. De ·xiiij· libris mutuatis per Decanum de bonis communibus Capituli...et satisfaciend' ipsi Capitulo.

20. De quatuor libris restituendis Capitulo, quas Idem Decanus de bonis Capituli soluit pro contemptu, quem idem Dec. propria culpa meruit in [Curia] Cantuariensi.

21. De prohibicione per Decanum facta debitoribus solut' Capituli et non Decani [ne de]bita sua ipsi Capitulo soluant.

22. De eo quod Decanus euocat subditos infra prebendas commorantes ad loca [exteriora, et] trahit ad iudiccium extra tempus visitacionis sue decanalis, contra consuetudines et privilegia ecclesie.

23. De eo quod Decanus Canonicos residenciarios, et alios habitum in Ecclesia [portant]es, ad loca remota extra clausum ecclesie euocat ad iudicium [et uoca]ri facit, contra consuetudinem ecclesie et tenorem laudi, penam inibi contentam incurrendo.

24. De familiaribus secularibus laicis Decani sedentibus infra domum Capitularem cum Armis inuasiuis, diebus Capitularibus, et in conuencionibus Decani et Canonicorum, contra consuetudinem ecclesie: cum vnus solus virgarius custodiret ostium Capituli.

25. De admissione pauperum clericorum per Decanum in hospicio suo, et extra Capitulum, et absque prestacione obediencie et iuramenti requisit', contra consuetudinem ecclesie facta.

26. De eo quod Decanus facit vltimam pulsacionem

[1] Henry de Lexington Bp in 1260 founded a chantry for two priests at the altar of St John [Bapt.] where he was buried. *Chantry Book*, lf. 156[b], cf. 1[a]. His Obit ordered by Bp Gravesend and Chapter, *ibid.* lf. 12[a].

ad vesperas eciam† primam cessare ante aduentum executoris officij, contra consuetudinem ecclesie.

27. De mandato Decani vt chorus expectet aduentum suum, postquam executor officij inceperit missam suam, in magnum scandalum ecclesie.

28. De extorcionibus factis per Decanum de certis ministris ecclesie, ad solam suggestionem fam*ul*ar' Decani.

29. De ablacione libri Consuetudinarij, qui dicitur *niger liber*, ab ecclesia per Decanum, qui liber debet in ecclesia de eius consuetudine remanere.

30. De eo quod Decanus impedit Capitulum ne Capitulum corrigat delicta grauia in defectu ipsius Decani post trinam requisicionem Decani per Capitulum, iuxta formam laudi factam periurium incurrendo.

31. De priuacione et suspensione Vicariorum chori presentatorum per eorum patronos et per Capitulum, absente Decano, admissorum, per Decanum iuris ordine non seruato facta.

32. De eo quod Dec. iuxta laudum non vocat Canonicos ad sibi assidendum in correccionibus per eum faciendis, vel non expectat vocatos, aut eorum non requirit consilium, contra laudum, penam illius incurrendo.

33. De eo quod Dec. presens non celebrat nec facit celebrari in obitibus Regum et Episcoporum, prout tenetur ex statutis et consuetudinibus ecclesie iuratis.

34. De subuersione laudabilis ordinis et regule Chori in festis solempnibus per Dec. facta, contra tabulacionem in hac parte factam, missas maiores ex impetu celebrando.

35. De diffamacione Capituli super adulterio et fornicacione per Dec. facta apud nobiles.

36. De quatuor libris receptis per Dec. de Fabrica Ecclesie pro reparacione hospicij sui, quas restituere renuit.

37. De eo quod Dec. plures prebendas in die, per se et procuratores suos, visitat, et totidem recipit integras et excessiuas procuraciones absque dispensacione penas Juris incurrendo *Diuisim ministrarunt*[1], et vt premittitur ministrauit vterque eorundem.

[1] See below, p. 266.

How fairly Bp W. Gray dealt with these cross-petitions the decision of his *laudum*, printed below, declares. It did not however meet with loyal acquiescence, and in Oct. 1435 the Dean and his retainers were called upon to answer in the Abp's court a charge of violence. Within two years after the award had been delivered Bp Gray died, and nearly another year had elapsed before his successor, then Bp of Norwich, was fully installed in the see of Lincoln, in Feb. 1437. Unfortunately he lacked the prestige of having been elected by the chapter, his translation having been decreed by Pope Eugenius IV. This honour was not an exceptional thing, for St John de Dalderby in 1300 had been the last Bishop of Lincoln freely elected by the chapter.

William Alnwick, the new bishop, was a man of very different character from the Dean, though he was his equal in pertinacity. Like Macworth he had taken a law degree at Cambridge. He had also been Archdeacon of Salisbury and had held a prebend there and one at York. At Norwich, to which he was consecrated in 1426, he built the W. front of the Cathedral Church, and at Cambridge he contributed to the building of the schools. At Lincoln he made the S. porch and inserted the W. windows. He also built a new chapel to the Bishop's Palace. His arms appear on the E. end of the Vicars' stables, and he granted to their community several parcels of land in and about Lincoln, with larger estates in other places. Some notion of his spiritual character and prudence may be gathered from the fact that so devout a monarch as K. Henry VI. chose him as his confessor.

Alnwick had not been a year at Lincoln ere the Dean and the Chapter brought their several grievances to him one against the other.

The Bishop visited his Cathedral Church Oct. 1—4, 6—8, 1437, and then complaints and recriminations poured in from every side from the Dean to the youngest chorister. An impartial account of the proceedings has been given by

the succentor of Lincoln, the Rev. A. R. Maddison, F.S.A., in a paper read before the Archæological Institute 30 July, 1889. Knowing what we do of the internal life of Lincoln, we do not hesitate to say that even in the lowest ebb of spiritual life in the latter years of King George III. or under the Regency, our cathedral was in a less corrupt and unhealthy state than it was in the days when Bp Alnwick held his visitations. In spite of our disgust at some of the methods and the tools of the Reformation in the sixteenth century, and notwithstanding our affection for the exquisite beauty of much which the men of that time destroyed, we are bound to admit in common honesty that an English Reformation was the only hope for the Church in Lincoln, and that so long as leave should of necessity be sought either at Rome alone, or in the Chapter as it then existed, for effecting any improvement worthy of consideration, nothing could be effectually done.

Our concern at present is not with charges of the graver kind, which were by no means lacking. It is enough to point out the tottering state of 'a house divided against a house.'

Dean Macworth complained in 1437 that the canons were confederate against him. He named six of them, Chancellor Partrich, Archdeacons Southam and Derby, Treasurer Haket or Haget, and Prebendaries Warde and Ingoldsby. These were all of them residentiaries; and it is clear that, reinforced by Precentor Burton, Archd. Lascelles, Subdean Percy, and Canon Marshall, they appeared as still opposed to the Dean in the renewed complaints, upwards of forty in number, which they brought to the Bishop in June 1438. (See below, p. 188.) In 1437, of the eight complaints brought by the Dean against the canons, the 1st and 5th together correspond with the 5th of 1438 (p. 201), that the canons, instead of providing chaplains of their own, draw off the best singers from choir and chantries to attend them. The other charges are additional. Two of the Archdeacons and the Chancellor talk in service time. Prebendaries Rolleston and

Selby have not provided vicars. Archd. W. Derby is allowed to count as resident while he is engaged in a Chancery suit at Westminster on which he expends the common funds, so that stipends cannot be paid. Books are kept out of the library. Sufficient workmen are not employed (pp. 366—9). Precentor Burton complains likewise that every man's hand is against *him*; the majority of the Chapter kept back the emoluments due to the minority. The sacrist, J. Leeke, claims to hear general confessions throughout the diocese, although the bull which he holds says only *casus reservatos episcopo*, and he likewise holds 'incompatible' offices (pp. 369—373). Peter Partrich, the Chancellor, brings against the Dean in 1437 several of those complaints which figure in the Canons' articles of 1438 (see nos. 11, 32, 33, 38, pp. 190, 193; cf. pp. 374—5), including the matters of the Dean's stables, Bp Gray's award, the key of the seal, irregular walking in procession with (or close behind) the celebrant, and that curious question with which Bp Alnwick attempted to deal in the *Novum Registrum* (p. 397), the Dean's train (*caudam cape sue*) being borne outside the close or in the Bishop's presence. The origin of this last item, though the matter is trivial, is worth noting. It is clear that this matter affecting the Dean's dignity, about which Macworth declared himself to be sorely aggrieved, was not raised by the new Bishop himself, but by one of the senior Canons, who may be supposed to have been well versed in Lincoln customs. W. Derby, Archd. of Bedford, corroborated what the Chancellor had said about the Dean's cope, and further charged Macworth with having brought armed men into the choir in the presence of a large congregation at Evensong on 28th June, 1435, committing assault and battery, with indignity, upon the Chancellor (pp. 380—1)[1]. Several of the Canons complain that Treasurer Haget has spent his money upon feasting and amusements, instead of providing tapers at the Bishops' tombs, and on the beams north and south of the high altar. The Treasurers

[1] On this outrage in Choir, see also below, p. clxxxviii, *n.*

in return, and others likewise, report that many vicars and poor clerks slip out of choir during mass, or at mattins after *Venite*, and then return from taverns, or from gossiping in nave and close, just in time for the conclusion of Lauds. The Subdean says that the vergers do not enforce silence during sermons. The vicars, who were visited by Ro. Thornton, the Bishop's Commissary, corroborated the charges against some of the Canons, adding that Precentor Burton has pulled down two churches and appropriated the materials. There is much immorality among Canons and others, and some gambling. The revenues are wasted on law-suits, while books and vestments are needing repair, and stipends are in arrears. John Bellrynger keeps a horrid dog in a kennel in the church near pele altar in the nave. The precentor does not feed the vergers and bell-ringers. The choir boys have no fuel allowed them in winter; their charcoal (probably for thuribles) is brought late, nothing is provided for their breakfasts but bread, the customary sweetened hasty pudding (a mess of flour, honey and milk) for Friday and Saturday is withholden.

In the next place (7 June, 1438) ten residentiary canons (viz. Precentor, Chancellor, Treasurer, three Archdeacons, Subdean, and three others) presented as many as forty-two articles, and seven other complaints, against the Dean, in which most, if not all, of the old charges were included; and it was alleged (no. 10) that he tried (as we say) to get behind Bp Flemmyng's award (1421), that he contravened it (*passim*), that he disregarded (no. 32) the order of Bp Gray (1434), although he had taken an oath in the presence of the High Treasurer of England to observe it. The Canons craved also an authoritative interpretation of certain phrases found in Flemmyng's *laudum* as well as of the older awards of Grosseteste (1245), J. de Dalderby (1314), and Beaufort (1404). Nine days later the Dean opened fire with a counter-charge consisting of fourteen articles. He charged the Canons with misappropriating the stock of cloth which was kept in the cathedral for the

benefit of the poor (art. 9)[1], with letting their lodgings in the close fall to ruin by neglect of repairs (art. 14), refusing him access to their muniments (art. 11), with keeping chantry-chaplaincies vacant and abusing Cardinal Repyngdon's decree for the union of the lesser chantries[2] as a source of lucre (artt. 6, 7), and he laid against them other charges of a more general and less tangible character.

After carefully analysing Bp Alnwick's decisions upon these charges and counter-charges, I do not hesitate to say that he dealt faithfully with the task of arbitration laid upon him. So far from showing any desire to humiliate the Dean, he not only paid attention to every one of the complaints or charges which Macworth brought against the Canons, in a series of thirteen articles to which he gave the place of honour in his award, but he also quietly passed over such personalities as the alleged irregularity of the Dean's walk in the procession, and even let pass the more serious matter of the building of Macworth's stables

[1] Some of the accounts preserved at Lincoln contain a mention of this cloth. Thus in the *Computus* of Ric. Meelys, Clericus Commune et receptor generalis Lincoln., A.D. 1452—3, we find an account *pro distributione panni* under the head "*Custus cere et Aliorum dudum supportatorum de communis mortuorum: Debet* in vir^{te} duodeñ panni lanei, coloris molderusset empt. hoc anno (with other cloth, carriage, candles, wax, payment to vicars and 'cantantes organum' for the Lady Mass, *hora prima*, &c. &c.)...40*l.* 16*s.* 2¾*d.*" In a later year (1458—9) he writes under the like head: "D^{te} in xx^{ti} duodenis panni leanei coloris musterdevillers viz. iiij^{or} duod. panni lati et xvj duod. panni stricti. viz. le streytes empt' apud Nunduñ de Stirbrigg, de Will'mo Gale ad diu's p'c, cum iiij^{s} solut' pro † empens' Rob^{ti} Hide dictum pannum ementis et equitantis a Linc' vsque Stirbrig. et in redeund &c. in toto. 14*l.* 14*s.* 4*d.*" A mixed grey woollen cloth was made at Mustrevilliers in France. The name was commonly corrupted into 'mustard devils' in England. (See *Paston Letters*, i. 83, ii. 119, ed. Ramsay; Rock's *Textile Fabrics*, p. 74.) Sturbridge Fair was held near Cambridge in September at Holy Cross tide till Michaelmas. It was established by grant of king John, cir. 1211, and only lost its importance at the end of the last century. See Prof. J. E. B. Mayor's edition of the *Life of Ambrose Bonwicke*, pp. 19, 153—165.

[2] A list of Lincoln Chantries affected is given on pp. 439—441 below. We find a record of the union of small chantries at St Paul's in 1391. *Registrum Statutorum S. Pauli*, pp. 142, 145. We shall give a brief account of Lincoln Chantries near the close of the present Introduction.

(mentioned in the Canons' complaint, nos. 11, 33), the former, I suppose, as unworthy of attention in a serious document, the other, it may be, as irremediable.

Other articles which they alleged (nos. 6, 9, 12, 16, 18, 26, 28, 29, 35, 36, 37, 39, 40) he has not dealt with distinctively in his *Laudum*. Some of them he may have considered to have been, in principle, covered by such articles as nos. 18 and 25, 36, 33; others perhaps on enquiry were not proven against the Dean. No. 30, which answers to the 30th complaint of the Chapter, was given by the Bishop in the Dean's favour. Their 23rd and 39th complaints may have seemed to him unsuitable for his decision, as they concerned the royal prerogative[1]. And in like manner their 29th charge trenched on the burning question of the papal jurisdiction in England. Some articles his award contained over and above the points directly raised by the parties in the litigation. Articles 39, 40 are simply necessary clauses to secure the valid execution of the *Laudum* itself. Nos. 14—18 (though very probably no secular judge might have felt at liberty to interpose them) are concerned with such matters as one who felt himself to be a 'Father in God,' and visitor of the church, would introduce, 'in season, out of season,' to insure that the rights of the inferior ministers of the church were not overlooked, and that the furniture and ornaments of Divine service were not neglected by a Treasurer who, as we learn from Dean Macworth's order in the *Black Book* (p. 401), required some supervision. Nos. 35, 37 deal with topics suggested by the Chapter in their general conclusion (p. 194).

It speaks well for Bp Alnwick's integrity that the award which he delivered 23 June, 1439, was received by both parties[2]; and, from that day to this, every Dean,

[1] The Bishop's 34th article may, however, have been called forth by the 39th complaint of the Chapter.

[2] It appears from the Rolls of Parliament, v. 10 (cited by Archd. G. G. Perry, *Lincoln Dio. Magazine*, vii. p. 84), that Alnwick's *Laudum* was fortified by an Act of Parliament (Session held on the morrow of St

dignitary, and Canon has expressly sworn or declared his hearty acceptance of it on the occasion of his installation.

Looking at the history of the feud between Dean Macworth and the Canons with the experience of the event before us, we may find it easy now to express a wish that W. Alnwick had paused here, and had been content to leave well alone, after achieving so desirable a consummation. But to him the whole seemed better than the half. He saw what he justly considered a defect in the Lincoln constitution, and he made a determined attempt to apply a remedy somewhat prematurely, with a result which for the time at least was most disastrous.

It is possible, as the late Dean of Lincoln (the Very Rev. J. W. Blakesley) once suggested, that there was a serious difference of opinion between the then Bishop and the Dean in matters political, as well as in their personal characters. Dr Macworth, who had been Chancellor to 'Prince Hal,' may have belonged to the party of which Humphry Duke of Gloucester was the head, while it is certain that Bp Alnwick (like his successor Marmaduke Lumley) belonged to the other side, which included Card. Beaufort and the Earl of Suffolk. Soon after he had delivered his award at Lincoln, Alnwick was associated with them and with others in conducting the trial of Eleanor Cobham for witchcraft, in 1441. Unhappily this brought him into partnership with two of the most unpopular men in England, W. Ascough (Bp of Salisbury) and Adam Moleyns (Dean of Salisbury, and in 1445 Bp of Chichester), both of whom were subsequently murdered by the mob in 1450. They had (says the English Chronicle) a character for covetousness and wickedness; and, though this fault certainly did not belong to the Bishop of Lincoln, it might tend to make him unpopular that he had been in any way connected with birds of that feather.

Martin, 1439), but the parties expressed their satisfaction for the time being in a practical manner by giving a promise to receive such newly codified statutes as the Bishop should compile.

It was however over the politics of his own Chapter, and in the service of an excellent cause, the cause of peace and justice, that Alnwick met with his reverse.

He knew that the Dean and Chapter had been at issue among themselves for several generations; there were sundry burning questions, and the customs and statutes of the Church to all appearance had supplied much of the fuel for the flames. What remedy could be found so effectual as to reduce the customs and statutes of Lincoln to an intelligible code? The Dean and the Canons with one voice allowed that such a book was what is sometimes styled a felt need, and the Bishop was qualified to supply it.

Bp Alnwick's royal master visited Winchester College July 30th, 1440, with a view to studying the statutes which William of Wykeham had drawn up in 1400. These he transcribed for the basis of his own codes for King's College and Eton, which were published in 1443 and 1444 respectively. In Sept. 1440 Alnwick, as Bp of the great and extensive diocese in which Eton at that time was situated, having been admitted into the king's confidence, appointed Lyndewood the canonist, and T. Bekynton (both of them Lincoln Canons probably), Ri. Andrew, first Warden of All Souls, and Bp Ayscough as his commissaries to carry out the conversion of Eton parish church into a collegiate church; and in that church Alnwick assisted at the consecration of Bekynton to the see of Bath and Wells, 13 Nov. 1443[1]. A month later he was one of the witnesses who attested king Henry's confirmation of the Liberties of St Paul's Cathedral at Westminster. That Alnwick's judgement and impartiality were well established may be further concluded from the fact that in 1448 he was called in to mediate between the Abbat of Croyland and Lord Dacre, and that he delivered his award in their case in that year. It is dated 21 Sept. 1448 and is written in the vulgar tongue[2].

[1] See Bekyngton's Letters, ed. Williams.

[2] 10 Dec. 1443. See Sparrow Simpson's *Registrum*.

While Henry VI. was preparing for his visit to Winchester, his confessor had issued notice of his intention to hold a visitation of all the prebends and prebendal churches in the diocese of Lincoln. Dean Macworth, although he had (nominally at least) accepted the *laudum* of the preceding year, looked upon this intended exercise of the Bishop's undoubted right as a declaration of war against the privileges and liberties of the Chapter. He at once took steps to thwart the Bishop's design by issuing (24 June, 1440) an urgent summons to all the prebendaries to confer with him at Lincoln in the Chapter-house on Thursday, 22 September, a week before it should be too late to shew to the Bishop any ground of exemption which any of them might be able to allege[2]. In the meanwhile he was procuring from the Dean and Chapter of Salisbury (25 Aug. 1440) a statement of their privileges extracted from the Osmund Register, the Statute of Giles de Bridport (1262) &c. to the effect that Canons of Sarum were not required to answer the Bishop's examinations anywhere save in the Chapter-house, and that their prebends in general were exempt from episcopal visitation[3]. Canons of Sarum had their court in their prebends, with ordinary jurisdiction there and archidiaconal dignity therein, and the Dean of Sarum was visitor in the prebends. The Bishop of Salisbury had, in this matter, jurisdiction only in his own prebend (of Pottern), and the right of admitting and instituting Vicars in the prebendal churches upon episcopal manors[4].

Now at Lincoln, as I have said already, the relation of the Bishop to the Chapter was not identical with that at Salisbury[5]. There was indeed in the *Black Book* a similar

[1] Dugdale, *Monast.* ii. p. 122. [2] *Black Book*, p. 402.

[3] *Ibid.*, pp. 404, 5.

[4] I am gratified to find in the newly-recovered documents that Bp Alnwick anticipated me in this observation, p. 445. 'Prebende Lincoln et prebende Sarum non sunt eiusdem nature.' See his remarks in that context.

[5] See above, p. cli. An interesting extract from the *Lichfield* 'Liber Niger,' fo. 184, is cited by Mr Reynolds, who, unfortunately, does not

exemption of Lincoln Dean and Canons from answering the Bishop elsewhere than in the Chapter, but the case of an appeal to Pope or Bishop was contemplated[1]. More-

give the date. *Wells Cathedral*, p. clxi. It shews the differences observed between seven cathedrals of the 'old foundation.'—"Apud Herford, pendet causa inter Episcopum Decanum et Capitulum super premissa." For Lincoln, the writer refers to the definitive sentence given by Innocent IV. to Grosseteste. At Chichester, apparently, the Bishop could only order the roof to be mended and such like ordinary matters.

At St Paul's, London, the Bishop can only visit 'vacante decanatu.' At Wells the Dean is the only visitor of the Chapter. At Sarum he visits the Dean, and the city of Salisbury, but not the Chapter.

The tradition at York was that the Dean was superior even to the Primate, in Chapter. "Dicunt quod [Decanus] in ecclesia maior est post archiepiscopum, et in Capitulo maior omnibus," p. 93, below.

At Salisbury (as it is observed by Canon Jones, *Fasti*, p. 206) even Roger De Mortival, who had been Dean of Lincoln, and a stickler for his real or supposed rights of jurisdiction, when he became Bishop of Sarum voted in chapter there *by proxy* at the vote on reception of his own Statutes in 1319. ("Nobis Rogero, prebendario de Poterne" heads the second class of votes, *Sarum Statutes*, p. 26.) Again in the "Pentecostal Chapters," the gatherings of the larger Chapter which were held there cir. 1562—1740 (as well as more recently) the Dean of Salisbury always took the Chair, even though the Bishop might be present. *Fasti*, p. 219. Such may be the case in some Chapter-houses. But in the 'Church' the Bishop, or Archbishop, is alway *Ordinarius*. He is called so at Lincoln in Alnwick's *Laudum*, which Dean Macworth accepted (p. 206, below). Compare the observations in the *Quarterly Review*, vol. cxxx. no. 259, pp. 239, 240, and Chancellor F. C. Massingberd's Essay on *Cathedral Reform* in Howson's *Cathedral*, p. 180. See also the printed Opinion of Sir Ro. Phillimore and Dr Tristram (Doctors' Commons, Dec. 9, 1864), who determine that the Bishop is as much the Ordinary of his own Cathedral Church as he is in any church in the Diocese. These authorities were noted in Bp Wordsworth's *Twelve Addresses*, p. 31.

"The Bishop of a diocese is called a 'Father in God,' and the Cathedral Church is called the 'Mother Church of the diocese.' 'It is,' says Gibson (*Codex*, tit. viii. cap. 1, p. 171), 'the parish church of all in the diocese. [See *Skinner*, p. 101.]'" *Twelve Addresses*, p. 29. *Theophilus Anglicanus*, part i. cap. 15 and note.

'Our cathedrals are the standard and rule to all parochial churches of the solemnity and decent manner of reading the liturgy, and administering the holy sacraments,' writes Abp Sheldon to the residentiary canons throughout his province 4 June, 1670. Cardwell *Doc. Annals*, 2nd ed. vol. ii. p. 331. Compare Q. Elizabeth's *Letter* to Abp Parker, 22 Jan. 1560—61, and the *Order in Council* for St Gregory's Church, 3 Nov. 1633. *Ibid.* i. 297; ii. 238. Dennis Granville, 1665. Surtees Soc. *Miscell.* xxxvii. p. 143.

[1] Lincoln *Black Book*, p. 283.

over the *Liber Niger* at Lincoln did not, like the Sarum Custom Book, begin with a description of the Dean's dignity, but of the Bishop's; and this is in fact the key-note of the whole. This appears to us the more remarkable when we bear in mind that whereas the old register at Salisbury was the work of a bishop, the *Black Book* at Lincoln was compiled not in the interests of a bishop but of the Chapter. It contains moreover a copy of the bull which Grosseteste procured in 1245, in which, while the duty of punishing delinquents is maintained for the Dean, and only passes out of his hands to the Bishop in case of the Dean's negligence, the Bishop's jurisdiction is asserted as that of Visitor not of the Cathedral Church and Chapter alone, but over 'all prebendal churches, and churches of the dignities and of the Communa' and 'of the vicars, chaplains, and parishioners belonging to the said churches[1].' It does not appear that Bp Alnwick denied that the Dean himself was bound also to visit the prebends triennially or to receive reasonable procuration fees (which the Bishop himself did not take from the Chapter)[2]. He merely was maintaining his own right as Bp of Lincoln to hold episcopal visitations upon the prebends in his diocese.

There was a letter of Robert de Chesney, Bp of Lincoln cir. 1160 (Gilbert de Sempringham being one of the witnesses), remitting to the prebends of Lincoln all rights and claims, exempting the churches of the prebends and of the canons' community from archidiaconal fees or exactions, and from power to implead their 'men,' and adding the important clause "sed eandem omnino habeant Canonici libertatem in prebendis suis quam habent Canonici Salesbiriensis ecclesie in suis[3]."

[1] *Black Book*, pp. 316, 318.

[2] *Novum Registrum*, p. 277, *marg.*; cf. p. 447.

[3] *Black Book*, pp. 309, 310. St Hugh (cir. 1191—95) confirmed this charter of Bp Robert, exempting the prebendal churches from the power of the archdeacon, and extended the same to three other churches; 'Seuerebi, que ad luminaria Linc' ecclesie est assignata, et ecclesia de Lehton, que est de subdecanatu Lincoln, et ecclesia Omnium Sanctorum in Linc', que pertinet ad cancellariam.' (D. ii. 55, box 2.) Walter de Coutances (cir. 1183—5) had given a monition to archdeacons and their officials to respect the rights of the canons. (D. ii. 60, box 2.)

This privilege ought certainly to have been pleaded against Bp Grosseteste by the Canons in 1245. But, if it were, Pope Innocent IV. gave to it an interpretation fatal to such a contention as Dean Macworth put forward against the Bishop two centuries afterwards. But there was another matter, beside the visitation of his prebend of Nassington which caused the Dean misgivings. Along with the Canons he had given his consent to a proposal which the Bishop had made in the previous year (June, 1439), to submit for the consideration and approval of the Chapter a *New Register*, or Draft Code of customs and statutes, *of the Church of Lincoln*, and this was to be presented to them at the Visitation of the Cathedral Church and Chapter after Michaelmas.

Alnwick's "Novum Registrum."

Bishop William Alnwick depended chiefly upon the Black Book for his ideas of the special customs of Lincoln, of which he had only some four years' experience; but as a skeleton, and something more than a setting for the whole work, he adopted, with very few omissions, the well-digested *Corpus Juris* of St Paul's Cathedral which Ralph de Baldok had drawn up when he was Dean in London (1294—1305), and which may be read in Dr Sparrow Simpson's *Registrum Statutorum Eccl. Cath. S. Pauli London.* Four of the five parts of a book drawn for Lincoln on such lines Bp Alnwick delivered to the Chapter Clerk, Friday 7 Oct. 1440 (p. 448), having read the sections concerning the Bishop, Dean, Precentor and Chancellor (the treasurer was absent) at the meeting on the previous Monday. The absolute perspicuity of a legal treatise in five books would in itself not necessarily commend its contents to a man of Macworth's calibre,—one who was not over fond of obeying rules,—and it would be distasteful to others who had grown up among the traditions of Lincoln where (to reverse the old Cambridge

phrase)[1] each was ready and prepared if necessary to pledge himself, if not *veris, consueta,* at least *scriptis, non scripta antehabiturum.* When K. Henry VI. provided for his two rising colleges their new statutes, couched to a very great extent in the language conceived by William of Wykeham in (then) comparatively recent times (i.e. while his royal predecessor was Prince of Wales), he was but as one who puts new wine into new bottles. But when Bp Alnwick sought to bind Dean Macworth to the precise London code of Ralph Baldok, amplifying it with certain passages out of the Lincoln Black Book, to which the Dean (though inclined to keep the original volume in his own custody) had not hitherto shewn himself very ready to pay obedience, and incorporating a plain digest of the brand-new Award, it was like trying to bind the wild locks of Samson in a neat but slender web.

Bradshaw has described for us the second draft of the *Novum Registrum*[2] which Matthew Parker carried off from Lincoln when he was deprived in Q. Mary's time, and which he bequeathed to Corpus Christi College Library at Cambridge. We have printed this draft (pp. 268—363) shewing how far it agrees with the London statutes[3] and what amendments were proposed at the committee-meetings in Lincoln Chapter-house. These meetings were

[1] Cf. *Statuta Trin. Coll. Cant.*, the Oath or Declaration of Fellows and Scholars, capp. xii, xiii (pp. 29, 32; 4° *Cantab.* 1844).

[2] The *Black Book*, pp. 156—8.

[3] Bradshaw has added in the margin of the *Novum Registrum* those numerals which shew where portions of Alnwick's book were derived from the Statutes of St Paul's: e.g. on p. 273, '1. 2,' '1. 3'=pars 1, cap. 2, and pars 1, cap. 3 of the London Statutes.

Here and there he puts the small circle 'o,' shewing where the Lincoln draft *departed* from the London rules, e.g. p. 273, *margin.*

The chapters adopted by Bp Alnwick from the St Paul's Statutes (though not precisely in the same order) appear to be these.

All the five proems.
Part I. 1—3, 6—15, (18) 19—25, 27, 28, 32, 36, 37, 50—55, 57—62.
Part II. 1—8, 15, 23.
Part III. 1, 2, 11, 13, 15, 18—23, 25, 29, 30, 35.
Part IV. 1, 3—9, 13—18, 20, 21.
Part V. 2, 3, 5, 6, 19.

above forty in number, and extended over a period of three or four years. The meeting ('*convocatio*') does not appear to have been entirely confined to the members of the Chapter; for the Bishop in his preamble says that, besides the Canons, dignitaries and other officers of the cathedral whom he summoned, there were present on June 9th, 1439, certain other "discreet persons &c." whom he associated with them for the purpose. ('*Discretis viris &c. comparentibus, et in Capitulo adunatis,*' is the phrase used.) The second meeting was immediately after Michaelmas 1440, when the book was submitted in its first draft. The book which we have before us shews the work in a later stage, with some of the amendments or additions inserted in the text and others inserted in the margin, apparently in the Bishop's own hand, and sometimes re-considered and disposed of as the discussion advanced. The meetings were continued through 1441, and certainly until the spring or summer of 1442[1]. On the 9th of April 1442 Dean Macworth protested formally against the *Novum Registrum*, in the Chapter-house, before the Bishop's commissary; and when Alnwick at the subsequent meeting (May 29th) came in person, and asked whether he would accept it, "dixit venerabilis vir decanus quod nunquam preberet consensum eidem, nec ipsis nouis ordinacionibus quouismodo consentiret: immo pocius reclamaret, cum talia ordinaciones et statuta, vt asseruit, in graue preiudicium dignitatis sue per consensum ipsius redundarent."

I cannot do better than introduce here the account of these transactions furnished to the Cathedral Establishment Commissioners by Dean Blakesley and the Chapter of Lincoln in 1879.

"William Alnwick, who was consecrated Bishop of

[1] Not improbably they were still going on in the spring of 1443. See p. 462, and *note* there. The term *Convocatio* (rather than *Capitulum*) seems to have been studiously applied to a '*generale* capitulum' (p. ciii) or large meeting of Canons summoned to Lincoln to meet the Bishop in the Chapter-house. It is used by Bp Gray in Sept. 1434, and by Bp Alnwick in 1440. See pp. clxvi, 269, 270; cf. pp. 443, 444 *marg.*, 447, 453, 501.

Lincoln in the year 1436, and who succeeded by means of the arbitration [or *Laudum* of June 23rd, 1439] in bringing a long and complicated litigation between John Mackworth, then Dean of Lincoln, and his Chapter to a pacific conclusion, thereupon formed the design of compiling a digest of all existing decisions, expunging whatever was superfluous, and reconciling what was apparently contradictory, in the view of precluding, so far as might be, all future disputes.

"For this purpose he convened, apparently in the usual manner through the Dean and Chapter, all the Dignitaries of the Cathedral, and all the non-residentiary Canons, or Prebendaries, and propounded his design on June 9th†, 1440, just about a year after the promulgation of the *Laudum*[1]†.

"The project was received with approbation, and by the unanimous consent of the parties assembled the 'convocation' (as it is styled) was 'continued' to the first '*dies iuridicus*' succeeding the next following Michaelmas-day, for the purpose meanwhile of drafting the new code.

"It appears that the Bishop, or certain '*discreti uiri*' who undertook this task, believed that something more than a digest would be desirable, and thought proper to introduce some new provisions, which appeared to them or to the Bishop likely to be advantageous in the future.

"We have not been able to find [1885] any record† of what took place on the '*dies iuridicus*' immediately after Michaelmas 1440, to which the June 'convocation' was 'continued.' The acts of Chapter for some years before and after this time are very defective, but it would appear that, with whatever unanimity the original project may have been received, the introduction of new matter gave

[1] The *year* '1440' is not mentioned in the Novum Registrum, p. 269, and the inference which (like the late Dean) we have there, in the margin, drawn from the page which follows it, has been shewn to be incorrect by my discovering in the summer of 1894 the original record, which shews that Bp Alnwick had proposed, and the Dean and Chapter had accepted the principle of, his New Register, on the same occasion as that on which they undertook to abide by his Award, June 9, 1439.

rise to much opposition, and finally brought about the formal rejection of the new code, so far as it altered the existing customary rights of the Dean.

"The refusal of that dignitary is set forth formally in two protests (which we append)[1]. They are made solemnly in the Chapter-house in the presence of notaries public and witnesses, whose names are given, the first one (on April 9th, 1442) before the Bishop's Commissary; the second (on May 29th, 1442) before the Bishop himself, who is recorded to have put the direct question to the Dean, whether he would accept the new book containing the new ordinances, and to have received from the Dean the direct answer that he altogether refused to do so. It is perhaps worth while to point out that from the terms of this latter record it may be inferred that no less than 36 meetings of the 'continued convocation' had taken place between the assemblage at Michaelmas 1440 and the decisive rejection of the 'new book' on April 9th, 1442 [by the Dean]. Of these we can find no record." (*Cath. Establ. Commission*, Lincoln, Appendix, p. (5), 1885.)[2]

I must leave it to the reader, who has both the *Liber Niger* and the *Novum Registrum* before him, to determine how far the Dean of Lincoln in 1442 was justified in his opinion that the terms proposed in the latter were pre-

[1] For Dean Macworth's protests, see pp. 456—8.

[2] If the number present on the two occasions, 9 April and 29 May, 1442, which have been mentioned in the text, be fairly representative of the majority of the forty adjourned meetings, it is pretty obvious that the Bishop and the *principales personae* had the discussion generally to themselves. Consequently the draft of the 'Novum Registrum,' which we have printed, represents an attempted digest on which the most determined critics had done their worst. We may infer also, as the meetings were so numerous, that up to the point of the Dean's expressed dissent the work of the Committee had been carried on in earnest, and considerable progress must have been made. Saving the Dean's dissatisfaction as to his dignity, I am inclined to think that we have in the 'Novum Registrum,' *with its* marginalia, a fair account of what the Chapter of the day recognised as their custom at Lincoln, down to the time when Bp Alnwick issued his Award in 1439, and inclusive of that declaration, although it may have been expressed too much in language learnt 'within the sound of Bow bells.'

judicial to that measure of dignity and independence which the early book, and custom under it, had secured to himself and to his predecessors.

It was the late Bishop of Lincoln's opinion (after examining the episcopal register of Alnwick) that the ground of Dean Macworth's opposition was in reality some detail of ceremonial, such as the manner in which the Dean was to be censed in choir. I am happy to be able now to quote the following extract from T. Gascoigne's *Loci e libro veritatis* (ed. Thorold Rogers, p. 153), not only because it shews the truth of the conjecture which my father made, but because it tells us how the Dean's conduct appeared to a contemporary :—

"Ut nuper ostensum est in materiis controversie episcopi Lincolniensis domini Willelmi Alnwyk, et partis sibi aduerse decani superbi eiusdem ecclesie, qui optauit ut tociens sibi turificaretur, sicut episcopo; et, si episcopus esset presens in ecclesia Lincoln, quod nec episcopus, nec alius, inciperet officium in ecclesia illa, quousque decanus stallum suum intrauit: ex qua controuersia plurima mala secuta sunt."

Bp Alnwick's register, although unfortunately it was not very regularly kept, shews plainly enough that, however mortified the Bishop may have been at the Dean's rejection of his digest or *corpus juris*, he accepted his defeat in the spirit of a constitutional ruler; and we hear no more of his *Registrum* being held to be in full force until 230 years after his decease.

Whether Macworth subsequently threw to the winds his solemn promise made in 1439, as he appears to have disregarded the similar obligation of 1421, and the less formal sentence which Bp Gray issued in 1434, and the agreement made with his Chapter at Sleaford in 1436, or whether his offences took some other direction, the records do not shew. It is clear however that Bp Alnwick found cause to take proceedings 22nd March, 1443, and to require the Dean to answer personally to charges brought against

him at the visitation (18 April, 1443); then to inhibit him; then to cite him (18 May, 1444) to give account for having presumed to act while under sentence of inhibition; and lastly to pronounce sentence of excommunication against him (10 Feb.), and to issue a commission (25 Mar., 1447) to proceed[1] against him as contumacious, for failing to appear at the visitation. Whether the breach between the Dean and the Bishop was healed before the death of the latter in Dec. 1449, or not, I have no positive evidence to shew. W. Alnwick was buried in the western part of the cathedral church, in the place where he used to stand at the processions[2]. Dean Macworth lived just two years longer, and founded a chantry between the two easternmost pillars of the south aisle of the nave, and (as Mr Maddison tells me) the chantry altar was that of St George. The Treasurer's inventory in 1536 and the Dean's in 1548 shew that there remained in the vestry at Lincoln for nearly a century a chasuble of white damask with flowers of gold, two tunacles and three albes with the apparell, having in the back an image of our Lady with

[1] *Bp Alnwick's Register*, fo. 51, 44, 56, 73. At the Bishop's primary visitation in 1437, W. Derby, Archd. of Bedford, had declared that on the vigil of St Peter and St Paul, 28 June, 1435, at evensong Dean Macworth had entered the choir with an armed body of men, had assaulted P. Partrich, the Chancellor, dragging him downward on to a bench by his almuce, and otherwise maltreating him. An independent account of this affray has quite recently been brought to light. In the records of the City Corporation of Lincoln (Reg. i. fo. 6^{b}) is an extract from the Plea-rolls of a trial at Westminster in Hilary term 1436, involving the question of civil jurisdiction. It appears that eight of Dean 'Makeworthe's' servants (including, I regret to say, our friend T. Atkyn notary, T. Cokayne chaplain, Nic. Bradbourne gent.) and sundry grooms and others, in warlike array, set upon Chancellor Partrych, while he was in his stall at evensong on 28th June, 1435, and went about to kill him, as it was thought, dragged him out of his stall, and tore his habit all to pieces. The indictment was quashed on technical grounds. (See kalendar by W. D. Macray, *Record Commission*, *Report*, xiv. (1895), Appendix viii. p. 21.)

[2] It is a subject for regret that the series of circular Processional Stones which remained in the pavement down each side of the nave at Lincoln until 1782 were then removed, and thus all trace of the formation of the mediæval procession was obliterated. Bishop Alnwick's position was by the third pillar from the west end, on the north side.

her Child, of the gift of Mr J. Macworth, dean of Lincoln. Item thirteen copes of the same suit, with orphreys of blue velvet figured with flowers of gold, with two tunacles, also of his gift[1]. These may have been an ordinary bequest, as were (no doubt) the great silver-gilt rood, with T. Beaufort's arms, and the costly cope of blue velvet which Bp Alnwick left to the cathedral church: but it will be remembered that Bp Gray had condemned the Dean to pay a fine to the cope fund, to the amount which he had neglected for many years to contribute for providing the *missa matutinalis*, also £87. 2*s*. 2*d*. to provide copes of the suit called 'the leopards' (such as Katharine Duchess of Lancaster had given previously) besides other vestments and ornaments, as well as choir copes to the value of £44, as fines for neglecting to pay septisms and vicar-stalls for twenty-two years. (See pp. 261—4[2].)

Leaving out of consideration his opposition to the proposed code of statutes, in which his action may by some be considered constitutional, there can be no reasonable doubt that John Macworth had set an example of disregard to the time-honoured statutes and ordinances of the church where he was Dean. The Precentor, Robert Burton, the next in command, who on several occasions had been one of the Dean's accusers, although not the most forward among them, now followed his example. In the spring of 1443—4 he is twice cited for contempt. He is called upon to make good the buildings of his house in the close which he has allowed to fall into a shamefully ruinous condition. In Jan. 1444—5 there is a charge against him for having violently attacked an acolyte, who approached to cense him at evensong on New Year's Day, and he snatched the censer out of his hand 'in an angry temper, like a madman.' Next day, when an officer came to affix the Bishop's mandate (probably upon the pre-

[1] See *Lincoln Inventories*, pp. 28, 53, in *Archæologia*, vol. 53 (1892).

[2] The composition fee for a choir cope at York in 1325 was 20 marcs (13*l*. 6*s*. 8*d*.) or twice the value of a palfrey (p. 129).

centor's stall) in the choir, Burton rated and abused him[1]. The day after, the Bishop issued a commission to Dr Tylney, keeper of St Peter's altar, and *auditor causarum*, to enquire into the precentor's behaviour. He was served with sentence of inhibition, and then did his best to force the chaplains to desist from saying their masses during the term while he himself remained under sentence.

It is sufficiently evident that there were heart-burnings among the dignitaries at Lincoln as to the manner of censing the Dean, the Rulers of the Choir, and the Canons. The old statutes were indefinite in their directions[2], and it is evident that there was some discussion at the statute-revision committee-meetings in 1440—42 as to the part to be taken by the Bishop himself (p. 275), when two lines, not found in the St Paul's statutes, were introduced; the Precentor[3] claimed to have the management of the thurifers (a point not noticed in the Bishop's earlier draft of his *registrum*. See p. 299), and a note was made to the effect that the *stalla capitalia* (by which I suppose are meant the terminal stalls occupied by dean, precentor, chancellor, and treasurer) were to be censed (not from the step, but) from the floor of the church. On May 20th, 1443, the Canons assured the Bishop that

[1] "vocando illum *scurram* et *vilem garcionem*." The term *gartio* was commonly applied to camp-followers, oftentimes *mauvais garçons* as Ducange says, and many of the examples cited by him imply a connotation of contempt or discredit.

At Lincoln the word occurs occasionally in accounts of fees or small payments. See also below, p. 267, lower margin. Thus in the succentor's book of 1527 (lf. 23) among the subordinate ministers in receipt of an allowance under the head of wines, the last named, after the choristers, are 'laico sacriste, j. d.; gartioni eius, j. d.; sutori, siue sissori, iiij. d. (for attending to the linen), Lotrici, iij. d.' Two persons who assisted the vergers at St Paul's Cathedral, and were employed in bell-ringing, organ-blowing, sweeping, or menial offices, were called *garciones*. (*Registrum Statutorum*, pp. xlii. 109, 124, 225.)

[2] *Black Book*, pp. 273—4, 367—9, 372, 375, 379, 380.

[3] Precentor Burton and Peter Partrich, the Chancellor of the Cathedral, were among the seven representatives sent from England to the Council of Basel in 1431. They spoke boldly in defence of our national rights.

they approved his Order for Censing, and would keep it. On May 1st, 1444, the Bishop issued an order to observe the rules for censing the choir. On the 9th the Chapter received the order and agreed to it. On the 22nd when the Subdean and four other canons, the Vice-chancellor and four others, were assembled in chapter, John Depyng, prebendary of Buckden, brought in the Bishop's 'statutes and ordinances' on the manner of censing the choir. The Subdean read them, and in the name of the Chapter promised to observe them. After business was concluded, in came Precentor Burton, and saw the order; but of course he was too late to alter the act of the Chapter; and, as we have observed, he vented his spleen upon the unoffending thurifer the first day of the following year. Burton died, or was removed, before the autumn of 1446.

The Bishop's statute '*de modo incensandi*,' which appears to have been quite legal and regular in form, and in its acceptance by the chapter, is printed below[1]. It is difficult at this date to know in detail what the precentor's grievance was[2]. He may have expected to be censed before the ruler of the choir on the *decani* side, or else to have had (like the Dean) the censer swung towards him four times, instead of only thrice like other canons. At Chichester the statutes of 1197 only prescribed 'quod singuli clerici in superiori gradu bis incensentur.' The regulations on this subject, as proposed while the *Novum Registrum* was under discussion at Lincoln, will be found on p. 299, lower margin[3].

[1] See below, pp. 509—511. The Bishop (20 May, 1443) asked the Canons at Lincoln, one by one, in Chapter, whether they would observe the Censing Statute which had been already issued ('*editum*') with their consent. They answered severally that they approved it, and, Dean Macworth saying nothing to the contrary, the Bishop ordered it to be observed in future. But it soon became evident that he had been treading over hidden fires, 'suppositos cineri doloso.'

[2] In 1437 Ro. Burton represented to Bp Alnwick that the Chapter ought to have paid him the emoluments for the precentor's office for those four years in which he had been engaged at Basel on their behalf.

[3] *Liber Niger* &c., H. B.'s *Memorandum on the Books*, pp. 160, 161. *Alnwick's Register*, fo. 47, 45. See below, pp. 512, 516.

The *Novum Registrum* was drawn up, like Ralph de Baldok's London Statutes, in five books or *particulae*, treating (1) of the Constitution, dignitaries and prebends of Lincoln, (2) the Canon's 'entrance' or installation, (3) his 'progress' or residence, (4) his exit, by death or other cause, and (5) the chantry-priests, vicars, and inferior officers or servants of the church. It was perhaps not unnatural that the resistance opposed to the compilation related principally to the first book, which concerned the dignitaries. Selections from this had been read aloud at the meeting which was held on 7 Oct., 1440, and four books were delivered for inspection.

At all events we find that about five-and-twenty years after the deaths of Alnwick and Macworth, and thirty years after the departure of precentor Robert Burton, in other words cir. 1475, in the days of Bp Rotherham and Dean Robert Fleming (nephew of Bp Richard Fleming), a *succès d'estime* was accorded to Bp Alnwick's efforts. The greater part of his *Novum Registrum*, that is to say the portion which consisted of books 2 to 5, was transcribed under the title of '*Constitutiones Ecclesie Lincolñ super Laudum Dñi W. Alnwyk Lincolniensis Episcopi.*' And somewhat later, about the year 1500, J. de Grantham, prebendary of Lyddington, transcribed these select 'Constitutions' again.

The substantial value of Bp Alnwick's compilation, as a convenient and perspicuous collection of customs, had begun to be recognised at last.

Further, a transcript of the entire '*Novum Registrum*' (all *five* books) was made in 1523, in the days of Bp Longland, when J. Constable was Dean. Another was copied (also in Longland's episcopate) in 1540; and about the same time, or a few years later, the Chapter Clerk, W. Snawdun, transcribed it once again. Moreover when Parker was Dean (in the time of K. Edward VI.) he studied the book so far as to make cross-references between the original volume (which he finally left to the Corpus Library) and a copy of the *Liber Niger* which is still at Lincoln (A. 2. 6). And other copies were made in later generations.

It must be admitted that this intended *Corpus Juris* never received a formal acceptance from the Dean and Chapter, although the Canons at least, with more or less reluctance, consented to discuss it in detail[1], but this fact came to be overlooked or disregarded. The confused, and somewhat vague, *Liber Niger*, fell at length out of consideration, and Alnwick's collection, once so indignantly rejected, survived as, in some sense, the fittest; and by that strange concurrence of events and causes, which Henry Bradshaw has so delightfully elucidated[2], the Dean and Chapter of one or two generations back, and their predecessors for two centuries or more, had come to *require* of all prebendaries on admission, and, among these, of some of Alnwick's and Macworth's successors, (whenever, that is, the Bishop, or the Dean[3], claimed installation to a prebend) an oath or declaration of their determination to 'observe and keep' the very collection of Statutes which had been indignantly rejected in 1442. Consequently, when my Father desired to print the Statutes of his Cathedral in 1872—3, and (not having access to the Chapter muniments as a matter of right as Bishop) applied to certain of the residentiary Canons for information and assistance in his undertaking, they assisted him in editing at his cost, and with a Latin

[1] Several of the records of the discussion are printed for the first time in this present volume, having been, until recently, rendered quite illegible; and their contents were unknown when Henry Bradshaw visited Lincoln, and indeed were not suspected until they came into my hands a few months ago, when a friend sent me the book that I might see another part of its contents which was written with darker ink. A word or two which I could read then excited my curiosity, and the application of ammonium sulphide revealed an account of the first reading of Alnwick's *Registrum!*

[2] The *Black Book*, 4—9, 217—222.

[3] The Dean, in the late 17th—19th centuries, did not *as Dean* swear to observe the *Nov. Reg.* (nor had Alnwick himself required it), but only the *Laudum* and other customs. But whenever the Dean, or any other dignitary, came to be installed into a prebend, they specified also 'all the Statutes, Customs and ordinances contained in the New Registry,'—for so '*Novum Registrum*' came to be Englished in 1733.

introduction from his pen, the 'Novum Registrum' of Alnwick, together with his 'Laudum' (and the 'Statuta Vicariorum,' which proves to be a much earlier composition), from a copy which had been given to my Father by his predecessor as containing the Cathedral Statutes, and which had been made probably for Bp J. Thomas in 1750, and extracted from the fuller volume of 1523, still in the possession of the Chapter. With his usual energy the Bishop made enquiries at Cambridge also. But an unfortunate blunder in Nasmith's catalogue concealed the real antiquity and true history of the MS. at Corpus Christi College, until six years after Dr Wordsworth's little collection of 'Statuta' was in print. Then a letter of further enquiry from him to Mr Lewis was passed on to Henry Bradshaw, with results which have been published in part in 1892, and partly in this second volume of the Statutes.

Although, so far as we know, the book was never formally ratified or sealed, I have decided to include the *Novum Registrum* in this collection[1], partly because my Father's little book was printed privately, but more especially because the discovery of the *marginalia* in the draft at Cambridge (some of them possibly in Alnwick's own hand-writing), with the appearance of the amendments attached to their proper context, places the text in a new light, puts an entirely new complexion upon many passages, and adds a fresh interest to the whole.

[1] The text of Novvm Registrvm (with its *marginalia* and amendments) will be found below, pp. 268—363.

On the Number of the Canons.

The incomplete nature of his book may be taken as an excuse for the unsatisfactory account which Bp Alnwick has given of the composition of the Chapter. He says (*de Numero Canonicorum*), "Quinquaginta et sex Canonici Ecclesie beate Marie Lincoln, cum Capite suo, corpus et Capitulum constituunt." (*Infra*, p. 307.)

Whilst the book was under correction the misplacement of Milton Ecclesia (due no doubt to its not having existed as a prebend when St Hugh's list was copied into the Black Book) was perceived; and this was remedied by putting it nearer its own place (as the course of the psalter required) on the *decani* side, in the neighbourhood of the Bishop and the Chancellor: as nearly perhaps as space allowed. But no one apparently at that time observed that two others of the later stalls, Sutton in Marisco and Kilsby, or Kildesby, were omitted. In the Black Book these appear as insertions made 'in a large handwriting of the end of the fourteenth or beginning of the fifteenth century[1].' This would require Alnwick's statement to be altered to "Quinquaginta et octo." And this number, with the places of the four dignitaries or *personae* (Dean, Precentor, Chancellor and Treasurer) then existing, would fill up the sixty-two stalls in choir. But then Alnwick proceeds to tell us that the Archdeacons of Northampton, Bucks, and Stow, with the Subdean, are to have stalls next to the Dean; and Lincoln, Leicester and Bedford near the Precentor; Oxon next to the Chancellor, and Huntingdon next the Treasurer. This would require nine[2] more stalls than there are (or were), or seventy-one, besides the Bishop's throne, if everyone was to have a place assigned him for his prebend, and if he possessed one

[1] The *Black Book*, p. 420. Cf. pp. 303, 306.

[2] Alnwick reckons 13 'dignities,' besides the Bishop, the Sub-dean being one of them. Four of these (Dean and Precentor, Chancellor and Treasurer), the *personae principales*, have their terminal stalls appropriated.

for his 'dignity' as well[1]. I suppose that before treasurer Welborne introduced his stall-work in 1380 the prebendaries sat on long continuous benches, and perhaps (with the exception of the dignitaries in the terminal stalls) moved up, and closed up the gaps left by absentees. What proportion of the Archdeacons held prebends in various ages, I have not calculated.

The arrangement at Exeter was more exactly stated in the *Ordinale Exon.* 1337 (fos. 7, 8)[2]. In front sat the 14 choristers, viz. 7 boys 'in prima forma' on each side of the quire[3]. Behind them the 'secundarii,' the *annivellarii*[4], 12 vicars-choral, in deacon's or subdeacon's order, six a side, 'in secundis formis.' The four 'custores[5] ecclesie' stood likewise in the second form, two of their number being annivelars. So also was the clerk of St Mary, who had charge of her chapel and attended her offices. The

[1] No such difficulty of accommodation now exists, as the prebendal titles are since 1549 (or certainly since about 1670, after an abortive attempt to revive the prebend of Sutton cum Bucks) only 53, the Treasurership has lapsed, and the archdeacons of Northampton, Bucks and Oxon. have been transferred to Peterborough and Oxford respectively. Nottingham now takes the place of Leicester. (Bedford, Hunts and Nottingham archdeacons retain their places at Lincoln, for *auld lang syne*, although the diocese no longer includes their archdeaconries.)

[2] At Salisbury the number of canons is plainly stated in 1229 by W. de Wenda 'summa omnium canonicorum est .lii., preter episcopum qui est quinquagesimus tercius.' *Osmund Reg.* ii. 104.

[3] Bp Poore's Consuetudinary for Salisbury places *in prima forma* the '*canonici pueri*' and after them in the same row '*ceteri pueri*.' (There is no difference between the Salisbury and the Cambridge MSS. here, such as Jones professed to have found. Both read "pu'i".) The 'other boys' are said to have been probationers.

[4] 'Annivelars,' or 'annueleeres,' were priests employed for singing anniversary masses of the dead. T. Tyrwhitt, commenting on Chaucer, cites statute 2 H. V. st. 2, cap. 2, where the stipend of the 'chapellein parochiel' is raised from 6 marks to 8, and that of the 'chapellein annueler' from 5 to 7.

So in Chaucer's *Canterbury Tales*, li. 16480 (Chanouns Yemannes Tale),

> In London was a preest, an annueleer,
> That therin dwelled haddë many a yeer.

[5] *Custores:* so Mr Hingeston-Randolph reads the word, which Mr Reynolds prints 'custodes,' in *Ordinale Exon.* fo. 8ᵃ.

succentor at Exeter was appointed from the choir. Likewise the subtreasurer was chosen 'de ministris chori.' In the middle of the choir *in superiori gradu* twenty-four priest-vicars were placed according to the use of Exeter, twelve on either side. The twenty-four canons, their 'domini,' sat, in sixes, right and left of them. The four principal dignitaries were placed as at Lincoln, Salisbury, and elsewhere, after the Bayeux fashion, in the terminal stalls: the Dean by the south of the choir door with the Archdeacon of Exon. next him, and the Subdean (who at Exeter held also the office of *poenitentiarius episcopi*) in the third stall. To the north of the entrance was the Precentor, with the Archdeacon of Cornwall to his left. Then at the other extremity of the *Decani* side was the Chancellor (next the Bishop's throne), and to his left the Archdeacon of Totnes. Opposite them was the Treasurer at the end, with the Archdeacon of Barnstaple to his right. Thus there might be 57 persons *in gradu superiori* at Exeter (24 of them being priest-vicars) *if ever it should happen,* as the Ordinal explains, that none of the four principal persons or other dignitaries held a prebend. They were however generally 'canonici.' This estimate does not reckon the Bishop and his Chaplains in the throne. But it gives the total number of ministers, apart from 'annivelars,' as 89, which (if I reckon rightly) includes the Bishop.

On Residence and the Chapter.

Among subjects wherewith the 'Novum Registrum' was concerned there is probably none more interesting from our own point of view than the relation of non-residentiary canons or prebendaries to the Chapter.

It was as characteristic of William Alnwick, as it was of William Laud two centuries later, and of the truly chivalrous of all times,

Parcere subiectis, et debellare superbos.

Thus doubtless it was through the Bishop's representations that K. Henry VI. had recently constituted the Lincoln Vicars a corporation with a charter in November 1440[1]. This was within a few weeks of the first drafting of *Novum Registrum.*

We have seen that Bp Alnwick more than once asserted the claims of the 'ministri inferiores' or 'minores,' of the Church to consideration in prompt payment of their stipends due for services (pp. 211, 348, 392—418). It will be observed that he puts forward their claim to be numbered in the Lincoln 'brotherhood' ('omnes fratres, tam maiores quam minores...Canonici, ceteri inferiores,' p. 245, cf. *Liber Niger,* p. 280).

It was not in itself unlikely that Alnwick who had thus been a champion of the less dignified 'ministers of the Church' should seek to do something to better the *status* of the non-resident prebendaries. But let us see what he really did, or proposed to do.

As regards meetings in the Chapter House, he prescribes that the Vicars and Clerks of the choir should attend for the Saturday "chori congregacio," i.e. the instruction and correction, as well as more frequently, to hear the section of the custom-book relating to the services of the following week, the readings and collations of the Fathers (pp. 351—2; cf. pp. 149, 150). But though certain persons besides prebendaries hold stalls in choir, and enter the Chapter to fulfil certain hour-services on certain festivals, yet these others are on no account to attend while Chapter business is under discussion, for in this no one has any part except such as are summoned, nor may any share in the 'communa' unless he be a canon holding a prebend (p. 336; cf. p. 33, and *Liber Niger,* p. 276). Two things were necessary to make a prebendary, (1) collation to some vacant prebendal estate and stall by the Bishop, (2) admission in possession personally or by proxy. This was performed by the Dean or his substitute. Fur-

[1] See Maddison's Vicars Choral, pp. 10, 11. The date of the Letters Patent 9 Nov. 9° Hen. 6 is 1440 (not 1441, as it is sometimes given).

ther, if he had been installed by proxy no less than if he had come to Lincoln in person to receive the administration of his prebend, a prebendary required something further to make him a full *canon* and a member of the Lincoln brotherhood (*'confrater noster et concanonicus'*), namely, admission and installation to a stall in the choir (where he repeats the Lord's Prayer, and is shown his psalms) and to a place and voice in the Chapter[1]. He was invested or inducted by the ceremony of installation both in Choir and in the Chapter House, the Dean (as at this day) handing to him the text of the Gospels in the latter place to make his oath of obedience and fidelity; and he was received to the fraternal kiss of peace by all the 'concanonici,' and the Provost handed him his day's commons. This last, however, was not given to a dignitary at his installation, unless he had been collated by the Bishop to some prebend. The canon's induction into his 'exterior prebend' was not performed at Lincoln; but some one was commissioned to admit him on the part of the Chapter at the parish church (presumably) of his prebendal estate, whether it were in Lincolnshire or in some other county.

The Canons-prebendaries had thus divided duties. As they could not be at Lincoln and at their exterior prebends at the same time, they had to take their choice, which of the two they would ordinarily serve in person. If a prebendary made up his mind to keep canonical residence at Lincoln, he found it necessary to establish a (parochial) *Vicar* to do his duty in Rutland or Northamptonshire, or in his country parish in Lincolnshire or wherever the estate of his prebend was situated. If on the other hand he determined to live upon his prebend, and to minister to his own men, the parishioners residing on it, the statutes required him (unless his estate did not

[1] All this, as Prebendary Hingeston-Randolph observes, made a man a full canon. And he adds that 'Men were sometimes collated to a *Canonicatus*,' "*sub exspectatione prebendae*," which he got at the next vacancy. A case of the Chapter making an Ordinance against *non residentes*, who were claiming to share distributions when temporarily present, may be seen in a Chapter Act of 18 Dec. 1326. (A. 2. 23, lf. 7 *b*.)

amount to six marks, or £4, per annum, net) to find a priest as a *Vicar Choral* 'to follow the choir in his place when he was absent': and towards providing a stipend for his vicar-choral the canon, the said vicar's lord or master (*dominus suus*), who was represented by him, was bound to contribute to his stipend, for 'vicar-stalls[1].' Besides this he had to contribute to the dividend of the resident *Canons* one-seventh part of the yearly estimated value of his prebend. This was technically called

[1] P. 164, near bottom. See p. 656 *n*. At *Salisbury* the contribution was still higher, one-fifth of the assessed value of the prebend. The Sarum vicars were to be either priests, deacons or sub-deacons, according to the order of the prebend which each represented. *Statuta Sarum*, pp. 35, 55. The Sarum prebends were severally assigned to those three orders, as we shall see presently, somewhat in the same way as the *tituli* or parish Churches in Rome have their own presbyter Cardinals, the Cardinal deacons being assigned to the seven regions of the city, and the Cardinal Bishops in course of time attached to St John Lateran to celebrate for the Pope.

At Salisbury the *rule* in Bishop Ri. Poore's time was that all Canons should be resident (with absence for one third of a year for their duty to their prebends or to the church [? of Sarum]), the only exceptions being made in favour of (the Archdeacons who held only 'deacon' or 'sub-deacon' prebends) 1 royal and 1 archiepiscopal chaplain, and 3 for the bishop of the diocese, or in favour of students at the universities. But even so early as 1213 a modification was found necessary, and this I believe was before our MSS. of the Salisbury custom book were written. It was required that one quarter of the total number of Canons, 'together with' the 'four persons' (Dean, Precentor, Chancellor and Treasurer, who were bound to keep 'perpetual' or 'continuous residence') should alway be on the spot. The number of Canons was at first about 32 but it increased to 52 or (with Harnham) 53. While Salisbury was in building and Canons' houses and the new Cathedral Church were not yet ready, a residence of 40 days was allowed to suffice, viz. A.D. 1222—5. At Salisbury the prebendaries were not all of them necessarily in priest's order, 21, or (with Teynton) 22 prebends were assigned to Priests (including the Bishop who held two, 4 Abbats, and the *Quatuor Personae*); 18 were conferred on Deacons (two Archdeacons among them); and 13, or (with Harnham) 14, given to Subdeacons (inclusive of the third Archdeacon and the Succentor). The arrangement by which they were called into residence for a quarter of a year may be seen in Jones' *Fasti Sarisb.* pp. 242—3, or Dayman and Jones' *Statuta*, p. 34 (where we should supply the omission 'Netherbury "in terra, Yeteminster *Diaconi*:—Yatesbury, *Subdiaconus*"' in the last paragraph). But the following table may interest the reader.

paying the 'septism' of his 'taxation[1].' It would, no doubt, be the vicar's duty to send notice to his canon, if ever he saw any notice or monition affixed to his stall in choir. Cf. *Statuta Sarum*, pp. 15, 45, 86, 114.

But a Vicar could not perform *all* a canon's duties, though he might sit in his "lord's" stall (pp. l, 377, 409).

RESIDENCE OF PREBENDARIES

(*Priests*, *Deacons*, or *Subdeacons*) as required at Salisbury. Statutes of A.D. 1319, cap. 6.

Quarter	Decani			Cantoris		
	P.	D.	S.	P.	D.	S.
1. Jan.—Mar.	4	4	2	3	1	1
2. Apr.—June.	2	2	1	3	2	3
3. July—Sept.	2	3	0	4	1	2
4. Oct.—Dec.	1	4	1	3	1	2
Total *Decani*	9	13	4	13	5	8
Ditto *Cantoris*	13	5	8			
Ditto Prebends	22	18	12			

RESIDENT IN

1st	Quarter	15
2nd	,,	13
3rd	,,	12
4th	,,	12

Thus there would never be fewer than 4 Priests, 4 Deacons and 2 Subdeacons Canons resident at any time of the year (besides of course the vicars &c. in these orders). However some system of deputies grew up, and in the 14th—16th centuries the residentiary or 'close' chapter at Salisbury numbered from 13 to 7 in all. And in the 9th year of K. Charles I. (8 Feb. 1633) the number was fixed at *six*.

[1] See pp. 145—6, 'taxata vicaria per episcopum.' Cf. pp. 171—2. The Bishop might appoint two of the canons as domestic chaplains ('non residentes...qui cum Episcopo Linc' comorantur,' p. 164, cf. p. 281), who were exempt from paying septisms and from other non-residential disqualifications, as were also students in theology '*in studio generali*.' The Vicars' Provost paid each Vicar 3 marcs (40 *s.*) a year, viz. 20 *s.* half-yearly, and 1*d.* a day (or for certain obits a larger sum) from the Vicars' common fund, pp. 146, 147, 165. The Rev. A. R. Maddison has told the History of 'the Vicars Choral of Lincoln Cathedral' (1878). In the Muniment Room (D. ii. 60, 2), among documents respecting 'Internal Relations' at Lincoln, F. Wickenden notes that there is one which shows that 'D. and C. refer to the decision of the Bp (J. de Dalderby) the question of their jurisdiction over Vicars Choral,' 26 Jan. 1312—13.

He might 'follow the choir' at the daily offices and the processions[1], but he could not take part in the 'secrets' of the Chapter. He might take his turn in celebrating the Chapter-mass, but he could not say mass at the high altar. On great festivals this would be performed by the Bishop, the Dean[2], or other principal personage: but on ordinary occasions it was part of the Canon's duty to do this, and likewise to sing the priest's or officiant's part of the choral offices, '*præesse officio*' (or '*officium*') as it was ordinarily expressed at Lincoln. It was even a question at Lincoln whether a non-residentiary Canon could be allowed to celebrate at the high altar (p. 331)[3]. "Canons in priest's orders being present in Lincoln shall perform divine service through the week successively throughout the year in their order" (excepting on double festivals, when this duty was incumbent on the principal personages). Such was the custom in the fourteenth century when the *Black Book* was compiled (p. 294). Dean, Chanter, Chancellor, Treasurer and Subdean were required by statute to reside (i. p. 144, ii. p. 164; cf. 181). The Dean (or the Bishop) celebrated on greater doubles; the other 'personages' took the lesser doubles (ii. p. 156

[1] It was a rule at Salisbury (A.D. 1268, 1319) that even at the ferial masses no less than 26 vicars should attend in their places, 13 or more on either side. *Statuta Sarum*, p. 57.

[2] Cf. pp. 155—6.

If the Dean were absent on one of the feasts which of right required him to celebrate, the Precentor would usually take his place. But supposing some other dignitary (e.g. the Treasurer) happened to be *ebdomadarius* on duty that week, no one but the Dean (or Bishop) would supersede him, p. 156. The principal officiant at Lincoln (unless he were the Bishop, who, I gather, sat in the Dean's stall in such a case, *Lib. Nig.* pp. 368, 274) was placed not in the higher stalls but *in secunda forma* between the censing and the Collect for the day, and likewise the 'secundarius' intoned the psalms and hymns of the Little Hours there. For the Collect the celebrant went with his own clerk and the sacrist to a lectern in the choir (*ibid.* p. 369). But at *Salisbury* there was a special 'stall appointed' for the Priest celebrating Evensong, &c. (*Consuet.* cap. 25) and for the Collect he went with cerofers and the boy with the book to 'the step' (of the presbytery, I suppose), *Cap.* 26.

[3] "*Deliberetur*," says Bp Alnwick (in the margin of *Nov. Reg.* p. 331), "*an aliquis* canonicus *nisi* residenciarius *celebrabit ad magnum altare.*"

margin) turn and turn about. Other Canons were the assistant ministers on festivals. The Precentor was frequently occupied at the bench in choir, among the rulers, when high mass was being sung (pp. 157—8).

If a prebendary intended to keep statutable residence he began by making a solemn promise to do so at the Chapter meeting *before* the feast of the Exaltation of the Cross (14 Sept.), which was the beginning of the year in the Lincoln audit of accounts (see *Nov. Reg.* p. 287, margin). This was called his 'protestation of major residence,' whereby he undertook in the presence of his brethren, and in the sight of God, to keep a residence amounting to 34 weeks and 5 days, or two-thirds of the year, and he invited them to partake of his bread with him, at the lodgings assigned to him in the close, on such and such a day (cf. vol. i. 74, 246)[1]. He was not obliged to keep this term in consecutive weeks, and further he might at any time break a week (by an arrangement known as "le Seney" described below, pp. 164, 288). After keeping '*major residence*' for three years consecutively, the prebendary was allowed to enter '*minor residence*' for any future years in which he wished to retain his character of canon residentiary. This amounted only to 17 weeks or *one*-third of the year. Whereas it appears that at Wells the number of residentiaries amounted to fifteen in 1331 (Dean, Chancellor, Treasurer, and twelve others)[2], it has been sometimes doubted whether there were ever at any time so many residentiaries at Lincoln.

[1] The form of Protestation of Residence used at St Paul's, London, in 1809, merely prayed the Dean and Chapter to admit the new Canon 'with good will and charity.' *Registrum Statutorum S. Pauli*, pp. 426—7.

[2] H. E. Reynolds, *Wells Cathedral*, p. 130. In an Abstract of Exeter Chapter Acts, &c. published in 1891, Mr Reynolds has given a list of Exeter prebendaries, &c. 1 June, 1523. Out of 24 prebendaries 12 were resident and 12 non-resident, besides the Archdeacon of Cornwall, who at that date held no prebend. Among the non-residents were the Dean, Chancellor and Archdeacons of Exeter and Totnes. The Subdean and the Archdeacon of Barnstaple were in those years reckoned among Canons Residentiary.

Canons present at Chapter-Meetings at Lincoln, or sharing in distributions as residentiary.

Date	President	No. of Residentiary		Total	Remarks
		Dignitaries	Prebendaries		
1258. Oct. 14	?	(several)	40	?45	See above, p. clv.
1278–9. Sept.—Jan.	?	9 or 10	23 (or more)	32 (or more)	Roll of *Re* et *Ve*. See below, p. ccvii.
1284. May 15	Bishop	4	11	16	*Lib. Nig.* p. 299
1299–1300. Jan. 10	Dean	4	9	14	*L. N.* p. 328
1314. July 27	Bishop	6	22	29	*L. N.* p. 322. 'Capit. General.' (Infra, col. 36)
1324. Mar. 31	Dean	2	6	9	*L. N.* p. 351
1331. May	Bishop	4	11	16 (31)	A. 2. 23, lf. 18^{b} + 15 by proxy: 'General. Conuoc.'
1334. Sept.	—	—	—	15	12 canons in major residence. 1 custos altaris 2 in minor residence.
1335. Sept.	—	—	—	15	13 in major residence, 1 custos altaris 1 in minor residence.
1355. Sept. 17	Dean	2	4	7	*L. N.* p. 363
1410. June 14	Dean	3	3	7	Infra, p. 181
1438. Jan. 18	Bishop	7	1	9	Infra, p. 422[1]
„ June 7	Precentor	6	3	10	Infra, p. 188
1439. June 8	Bishop	6	3	10	+5 non-resid. p. 427
„ June 11	Bishop	5	2	8	+1 non-resid. p. 438
1440. Oct. 3	Bishop	6	4	11	Infra, p. 443
1441. Apr. 24	Bishop	4	2	7	+6 non-resid. pp. 450—3
1442. Apr. 9	Dean	3	3	7	Infra, p. 453
„ Apr. 9	Commissary	3	0	4	+1 non-resid. p. 457
„ May 29	Bishop	3	0	4	+1 non-resid. p. 458
1443. Apr. 29	Bishop	4	4	9	+3 non-resid. p. 461
1452. Sept.	Bishop	4	5	10 (9)	2 in major residence[2]. 3 in minor residence[3].
1467. Apr. 18	Bishop	3	3	7	Infra, p. 573
1475. Sept.	—	4	4	8	3 in major 1 in minor } *Re* et *Ve*. (Gable, C. v.)
1526. Sept.	—	6	0	6 (12)	1 (out of 7) in major residence. 5 (out of 5) in minor residence[4].

1548.	Apr. 24	Dean	2	0	3	+vicars &c. To receive Royal Injunctions. Cf. p. 583
1573.	Apr. 3	Dean	3	0	4	Infra, p. 599
1591.	July 26	Bishop	4	0	4	Infra, p. 597
1596.	Nov. 13	Subdean	3	0	4	Infra, p. 599
1617.	Sept. 21	—	5	0	(5)	Roll of *Re* et *Ve*[5]
1840.	—	Dean	4	0	(5)	Cathedral Act 3 & 4 Vict. Schedule
1890.	Sept.	—	5	0	(5)	Besides these five the Bishop and 8 or 9 prebendaries live within easy reach of the church, but do not attend ordinary Chapter-meetings.

[1] These were the Canons in June 1438 making complaint to Bp Alnwick against Dean Macworth (preparatory to the *Laudum*). Rob. Burton, precentor. Pet. Partrich, Chancellor (preb. of Sutton in Marisco). J. Haggett, treasurer (preb. of Scamlesly). J. Southam, Archd., Oxon. (? preb. S. Crucis). W. Lasselle, Archd., Hunt. (preb. of Thorngate). W. Darby, Archd., Bedford. J. Percy, Subdean. J. Marshall (preb. of Brampton). Ric. Ingoldesby (Welton Beckhall). Tho. Ward (Carlton Paynel, cum Thurlby). J. Macworth, the Dean, at this time held the prebend of Nassington, but does not appear to have protested residence on account thereof. Bp Alnwick did not hold a prebend, though one of his name was collated to Buckden in 1449.

[2] For the list of major and minor residence, the *apertura capitis et Feretri S. Hugonis*, the late Precentor Venables' paper on 'the Shrine and Head of St Hugh.' Among the Honywood papers, D. vii. 1 (61), there is a letter from K. Charles II. (1 Dec. 1660) requiring the Dean and Chapter to admit Raphael Throgmorton, Archd. of Lincoln, to Greater Residence.

[3] 1452—3. From the *computus* of Ri. Meelys :—' De Communis Dñi Episcopi : Pro canonicorum residencium hoc anno [communis] viz. (*facient' maiorem residenciam*) Precentoris, Alex. Prowet, pro Kildersbye. Cancellarij, Hugo Tapton, pro Sutton. Thesaurarij, Joh. Crosby, pro Thorngate, Archid. Bedeford, Tho. Salesbury, pro Bedford minore, Nich. Wymbyssh, pro Keten. Ph. Tylney, pro Sc̄o Botulpho.—(*Facientes minorem residenciam*) J. Derby, pro Kelsey. J. Edenstou, pro Lydington. Simon Alcok, pro Sleford.'—(The new bp, J. Chedworth, does not appear to have held a prebend at Lincoln until 1454, Castor. He subsequently exchanged for Tame, and again for Sutton cum Bucks, with successive archdeaconries. The new Dean, Rob. Fleming, had held the stall of Milton Ecclesia since 1430, but was apparently not a residentiary.) In major residence, 6; in minor residence, 3. There were 49 '*nullo modo residentes*.' Their septisms amounted to £129. 4*s*. 9*d*. (58 Canons in all.)

[4] 1526—7. List of Residence. J. Constable, pro Castre, Decanus. N. Bradbridge, pro Stoke, Cancellarius. Edw. Derby, pro Keton (Archid. Stowe). Jo. Talbott, pro Clifton, Subdecanus. Si. Fotherby, alias Green, pro Bygleswade, Precentor. Ri. Parker, pro Stow in Lindesay, Thesaurarius. Chr. Massingberd, pro Empyngham.—*In minor residence:* J. Chawmbers, Leghton Bosard. Gilbert Smyth, Leghton Maner. Rob. Messinger, Sc̄o Botulpho. J. Aleyn, Asgarby. Silvester Da[rio], Omnium Sanctorum.—*Nullo modo residentes*, 46. (The Bishop, J. Longland, at this date held no prebend.)

[5] 1617—18. Roll of *Re* and *Ve*. J. Robertes, clerk. Decanus, Roger Parker (preb. of Castor). Precentor, J. Williams (Asgarby). Cancellarius, J. Eland (? Stoke). Archid. Lincoln, J. Hills (Langford Ecclesia). Subdecanus, Ro. Newell (Clifton).

That there was some sort of communication kept up with the non-residents is evident from the early accounts of Jordan de Yngham, clerk of *Re* and *Ve* in 1271. Among various items coming under the heading, 'In litteris m[issis per] annum,' I find "In litteris missis per prebend' ad citand. canonicos post festum Sc̄i Michaelis, iiij. s." 'Item in litteris missis pro septem non residenciariis iij. s. Item in litteris missis per singul' prebend' pro denar' die mart. iij. s. vj. d.' Also "in lit' miss' prebend' pro conuocacione faciend' in crast' sc̄i Jacobi iiij. s. Item &c. pro Magistro R. de Kaua, vj. d. Item &c. Decano, viij. d."

Let me crave the reader's patience while we refer to the records, so as to set this question, if possible, at rest.

The earliest evidence which I can give belongs to the years 1253—8; but, as it differs in character from most of the rest, I have treated it separately, at p. clv.

It is clear that in its prosperous days the Church of Lincoln had frequently numbered more than ten Canons residentiary.

Still more remarkable is the evidence as to the number in residence in the latter part of the thirteenth century. The Roll for 1278 is the earliest among those which remain, and I have it at the present moment before me through the kindness of my Brother-in-law Chancellor Leeke.

The Rolls of *Re* and *Ve* of 1278 and 1279 are unfortunately only in a fragmentary condition, but they are sufficiently rare and curious to justify a full description. I will give the names of those which appear upon them showing their attendance in tabular form for the last 15 weeks of 1278 and the new year of 1279[1]. It appears from them that 29 names were considered to need entering as in some sort appearing at Lincoln. Of these no less than 20 kept several weeks' residence in a single quarter of the year 1278. And if we suppose that some of the prebendaries made a point of coming up for a few months at a time (as the canons certainly were required to do at Salisbury)[2] and then gave place to others in a regular

[1] The rolls of *Re* et *Ve* now remaining in the Muniment Room of the Dean and Chapter (C. v., D. v.) belong to the following years :—

1278 (membranes 1, 2); 1279 (1); 1437; 1447; 1455; 1469—70 (1); 1472; 1475—6 (4 membranes); 1599 (1, 3, 4); 1610 (1, 2, 3); 1617 (2, 3); 1617—18 (the 5 complete); 1637 (fragment); 1641—2 (1, 2, ?3). Some other fragments. For further information about these Rolls, see *A Lincoln Kalendar* (Archæologia, vol. li. 1888). *Tracts of Clement Maydestone* (H. Bradshaw Society, 1894), pp. 167—170.

[2] *Sarum Statutes*, ed. Dayman and Jones, p. 34,—where I suppose at line 11 from bottom we ought for '*Subdiaconi*' to read '*Diaconi*; Yatesbury, *Subdiaconus*.' This makes 52 prebends at Salisbury (or 53 if we count Harnham separate from Combe), viz. 22 Priest-Prebends (in-

cycle, it is evident that, if we only had a *complete* roll of one of these years, we should have to enlarge our list of residentiaries considerably. As it is, in this record of little more than one quarter of a year, we find never less than 13 keeping residence at a time, and most frequently 16; occasionally as many as 20 or 21.

As regards the following table, a star (*) marks ordinary residence in the week in question; † residence, but 'non ad missam.' P represents that the canon so marked was keeping his week's residence *in propria.* D (i.e. *duplex*) means a residence *in cursu,* with double commons. C the Dean's festal course at Christmas. *R* = *recessit* in such a week. *V* = *venit.* I marks a new canon coming up for installation. *a* the week when Jordan de Yngham was collated to his altar Keepership. (No doubt some of the entries '*recessit*' or '*venit*' have faded, or otherwise perished, from the outer margin of the rolls in some of the weeks.) Most of the names here entered reappear on the 1279 fragment; nos. 11, 12, 16, 18, 30 and 31 among the rest.

Now although it might be truly said of the residentiary canons[1], that they 'bore the burden and heat of the day,' it is manifest that the non-residentiaries also in past times contributed very materially to the maintenance of the cathedral staff. On this account, and because any of them might any year dismiss their vicars and proceed to enter residence, it is certainly *à priori* not absurd to suppose that they should have had at least as much a *status* in the general deliberations of the society as non-resident fellows of colleges, who are summoned to take part in college business once at least in the year, as well as in matters of vital importance to their body. Moreover it appears that

cluding Potterne episcopi), 18 Deacon-Prebends, and 12 (or, counting Harnham, 13) Subdeacon-Prebends.

At Salisbury the plan of 1214 had been to call up in a fixed cycle from 12 to 15 canons for a whole quarter. But in 1319 Roger de Mortival allowed them to consult their mutual convenience, *ibid.* p. 35. (See above, pp. cc, cci *n.*)

[1] Cf. *Osmund Register,* fo. 58[b].

		Weeks beginning														
		1278 Sept. 18	Sept. 25	Oct. 2	Oct. 9	Oct. 16	Oct. 23	Oct. 30	Nov. 6	Nov. 13	Nov. 20	Nov. 27	Dec. 4	Dec. 11	Dec. 18	Dec. 25	1279 Jan. 1
1	Decanus (Oliver Sutton)	**	**	**	**	**	**	**	*	*	*	*	*	V	**	C	C
2	Precentor (? Geof. de Thame)	**		**	**	**	D	**						**		+	R
3	Cancellarius (J. le Romayn, preb. of N. Kelsey)																
4[a]	Thesaurarius (Ri. le Battayl, de Bello, preb. of [Lafford)																
4[b]	(Ri. Horton; see 22)																
5	Archid. Lincoln (Rog. de Fuldon)	V	*	*	*				*	*		*	*	*	P	*	*
6	,, Hunt (? Will. de Wermington)	VR															
7	,, Northampton (Ri. de Gravesend, preb. of Sutton, Ep. London)			VR	VR												
8	,, Bedeford (? Nic. de Heigham)	*															
9	,, Stow (Simon de Barton)	**	**	**	**	RV	**	D	**	**	*	**		**	**	**	**
10	Subdecanus (Ric. de Cliff)	**	**	**	**	D	**	**	**	**	D	**		**	**	**	**
11	Ant. Beck			I*	R												V
12	W. de Bradd[ewell]			VR													
13	Euerard Bro.	*	PR	V	**	RV	**	**	**	**	**	**	**	D	**	**	*
14	Roger Kaue (preb. of Castor)	**	R	**	**	*	**	**						**		+	R
15	H. de Collingham (? preb. of Welton Brinkall)					I											
16	Ric. de Cowell	*	*	? **	V	bis VR											
17	Jo. Fleming (preb. of Gretton)	VR		VR	bis VR	VR											
18	J. Gare (preb. of Lidington)	V	**	*	*												
19	Nic. Grecus	**	***	P	***	*	***	***	***	***	***	*	***	***	***	+	+
20	Godred	**	***	***	***	***	***	***	***	***	***	D	***	***	***	***	**
21	W. Hau(e)ton	? **	***	***	***	***	***	***	***	***	***	**	***	***	***	***	**
22	Ri. Hor[ton] (preb. of Louth)	**			V								(See no. 4)				
23	Jordan Ingham (keeper of St Peter's altar)				a												
24	W. Lang[etoft]	D	**	**	**	**	**	**	V	P	**	**	**	**	**	**	**
25	Jordanus Lincoln	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
26	Salomon de Norhburn (preb. of Welton Beckhall)	VR				R											
27	T. de Perrarijs						V	R	V	**	**	**	R	***			V
28	Galfridus Poll[ard]	**	**	**	**	**	**	**	**	**	**	**	**	***	**	**	**
29	Stephanus [de ? Silorī ?]	**	***	***	P	***	***	***	***	***	***	***	***	***	***	**	**
30	Thomas de Suthflet'																
31	Rob. de Winchelsey (preb. of Leighton Manor)	**	**	**	**	**	**	**	**	**	**	*	D	**	**	**	**
32	Simon Worth (preb. of Castor)																
33	J. Wydinton	? **	**	**	**	**	**	**	D	**	R						

even the 'non-resident' canons were expected if possible to take a week's duty in their turn.

The late Bishop of Lincoln saw in the 'Larger Chapter[1],' or convocation of residentiaries and non-resi-

[1] The '*larger Chapter*,' so he called it in 1873 (p. 689, below); or the '*Great Chapter*,' as it is called in the *Supplementary Statutes* for Lincoln, *cap.* ii. § 1, as distinguished from 'the Cathedral Chapter' or governing body, *cap.* i. § 1. *Cathedral Commission Report for Lincoln* (1885), pp. 6, 7. See below, p. ccxviii. In the new Statutes for many other cathedral bodies published in 1884–5 (e.g. *Carlisle* c. xxv, *Durham* c. 30, *Ely* § xxx, *Gloucester* c. 32, *Ripon* c. vii), the larger consultative body of the Cathedral Clergy is named the '*Greater Chapter*,' as distinct from the governing body (the Dean and Residentiary Canons' Chapter) on the one side, and from a 'Diocesan Chapter' on the other. *Truro* c. 12, §§ 4—13 in 1877 and 1883 and *Newcastle* r. ii. (1882) have a '*General Chapter*.' My Father, with his usual good taste, avoided the somewhat invidious and aggressive term 'the Greater Chapter,' using such phrases as the 'larger Chapter,' the 'Bishop's Council,' &c.

The term "*Senatus Episcopi*" he noted in Stillingfleet's *Ecclesiastical Cases*, ii. p. 564 (ed. 1704). Bp Wordsworth's *XII Addresses*, p. 10.

The *idea* of the Canons collectively forming a *Concilium Episcopi*, he found in Chanter J. Inett's *Origines Anglicanae*, ii. pp. 27, 404 (ed. Oxon. 1710), where that author speaks of secular 'Monks' placed in Cathedrals, and originally "intended as Colleges of Priests, who might both serve as council and assistants to their Bishops, in all the offices of their holy function." And of "those Collegiate bodys, of which the Bishop of the Diocese was the Head" which "were originally design'd as Assessors or Assistants and Counsel to their Bishops, in preaching of the Gospel and in exercising the discipline of the Church."

Again he read (in W. K. Hamilton's Report to the Commissioners in 1853, p. 370) that the Chapter was recognised at Salisbury as '*Concilium Episcopi contra haereses et schismata*.' See *Twelve Addresses*, 1873, p. 11 *n.* That the (*Residentiary*) Chapter is 'the Bishop's Council against Heresies and Schisms' is a statement which I have at present been able to trace no further than the answer given for the Dean and Chapter of Salisbury to the First Cathedral Commission. The answers were drawn up by Walter K. Hamilton (afterwards Bishop of Salisbury) and also signed by Dean H. P. Hamilton. They here depart from their general good habit of giving a reference to their authority in the margin. '*Residentium Munera*' are here stated to be the following:—1. Concilium episcopi contra haereses et schismata.—2. Praedicatio in ecclesia matrice.—3. Hospitalitas.—4. Cura fabricae supportandae et terrarum fabricae et capituli et vicariorum et choristarum.—5. Gubernatio Ministrorum et officiariorum ecclesiae.—6. Ordinatio divinorum officiorum et servitiorum ordinariorum.

It was stated in the Report for Salisbury (1852, Append. p. 611)

dentiaries together, *a consultative body* who would give him the benefit of a varied experience, combining at once the judgement of a fairly independent body of educated men with the knowledge which is derived from parochial work in numerous representative towns and villages. Thus, in his suggestions to the Cathedral Establishment Commission, he wrote, Nov. 16, 1880:—

"I am of opinion that certain times should be fixed in each year in which the Prebendaries should be united in Chapter with the Residentiaries. The purposes of these periodical meetings would be twofold. To deliberate together—

1. On matters concerning the Diocese. In this respect they would be a '*concilium episcopi.*'
2. On matters concerning the Cathedral.

that Pentecostal (or general) Chapters, held commonly from 1562—1740, had quite ceased since the year 1813, in the time of Bishop Fisher, but it was unanimously recommended by the Dean and Canons Residentiary in 1852 that those meetings should be revived. The day after my Brother's enthronement, 5 Nov. 1885, and since then at Whitsuntide, a general gathering of Canons has met at Sarum. It appears that in July 1560 the 'canonical house called Ledenhall' was set apart for a term of 7 years to be a hostel for Canons non-residentiary, 'ut in festo Pentecostes in rebus divinis juxta regias injunctiones commode potuissent interesse *senatui ecclesiastico.*' (*Statutes Book* H. 90, Salisbury, *Wiltshire Archæol. Mag.* xix. (1881) p. 277, contributed by W. H. Jones. See also his *Fasti Eccl. Sarisb.* pp. 256, 208, notes.)

J. Waltham, Bp of Salisbury in 1392, arranged to introduce into the Chapter House there such assessors as he might appoint, when he was conducting his Visitation, while for his successors he obtained the right to introduce a private notary and clerk (unmarried men) as well as the chapter-notary, and to nominate some of the Four principal Persons or the prebendaries as counsellors should the Bishop for the time being require other advisers.

Further, when he is examining titles and letters of orders, the Bishop of Sarum may introduce any counsel he pleases, and the party, whose title &c. is under discussion, may have his counsel likewise (though the qualification, "selected from the chief dignitaries or canons" appears in this paragraph to be Dayman and Jones's gloss, misplaced). *Sarum Statutes*, p. 86.

Finally, after a Synod a Bishop should apply to his Chapter for *counsel* (but *not* for consent) as to any Decrees which he has in contemplation before their promulgation. Gavanti, *Praxis Exactissima* I. vi. 8.

The former Chapter Meetings should be convened by the Bishop, who would preside in them.

The latter would be summoned by the Dean, who should preside in them."

Thus my Father proposed to turn to account the principle of the 'twofold headship' which has been observed in the constitution of our Cathedrals of the Old Foundation.

The then Dean, however, the Very Rev. Joseph Williams Blakesley, who had given very considerable attention to the records of Lincoln, took a different view both of the value of the '*Novum Registrum*' and likewise of the position of the non-residentiary canons or prebendaries; and he also communicated his conclusions to the Commissioners (apparently after receiving an address from many of the prebendaries, dated 8 June, 1879 and again subsequently to the Circular of 1 Sept. 1879). Both of these, with other documents bearing upon them, will be found in the appendix to the Report of the Cathedral Establishment Commission, 1885. [Lincoln: C.—1377. pp. (12)—(19), (22)—(25).]

Dean Blakesley's former contention, as to the history of the 'Novum Registrum,' has been abundantly established by Henry Bradshaw's researches; but after due consideration, while he gladly adopted many of the suggestions and criticisms which the Dean sent him in Nov. 1880 together with a copy of his memorial to the Commissioners, Bradshaw was not so far convinced by the Dean's argument as to take an adverse view of Bp Alnwick's character. He was moreover fully conscious of the Bishop's need at the present day for the help of a council of Canons, of which the legislation inaugurated under K. William IV.th's Commissioners had deprived him. The same policy, which deprived all Canons of their prebendal estates, disqualified all who do not chance to be dignitaries, and the Archdeacon of Stow likewise, from entering upon a term of statutable residence. A Chapter

Act in the time of Q. Elizabeth (see p. 598[1]) had made it morally certain that none but the *principales personae* would be allowed to 'protest residence'; and the Canons or Constitutions of K. James's time had further stultified the name of 'residentiary' for even that small but dignified body, and in point of fact for any one below the rank of a Dean. For the Constitution Ecclesiastical of 1603–4, while requiring every dean to keep ninety days' residence in the year, *conjunctim* or *divisim* (can. 42), positively forbade such prebendaries as had other benefices to be absent from their benefices for more than one month in the year 'under colour of the said prebends'; and on the other hand it peremptorily required each residentiary, so soon as his days of residence were fulfilled, to begone from the Cathedral church and 'presently repair' to his benefice (canon 44)[2]. A most disastrous regulation.

In former times the "voice in the Chapter" given to a prebendary canonically installed probably was little—but yet it was a little—more than a mere potentiality, absolutely conditional upon his, at some subsequent September audit in Cross Week, 'protesting' (and in due course completing) three years of 'major residence.'

Dean Blakesley allowed that non-residents had been,

[1] This period (cir. 1585—1608), the episcopate of W. Wickham II., and W. Chaderton, was not a palmy time for Lincoln. For Bp Chr. Wordsworth's strictures on this "Chapter Act (if a Chapter Act it could be called)" of Nov. 1596, "by which the Residentiaries tried to alter their own statutable term of residence, 243 days, so as to allow themselves to be non-resident for 261." See his *Ten Addresses* (1879), p. 6. There also he relates how a few years later Bp W. Barlow treated their action, and the confirmation of it by his predecessor (Bp W. Chaderton), as non-existent.

[2] On this the Abp of Canterbury has observed that Lincoln Cathedral "had suffered in revenue from the suppression of the monasteries. It had suffered from the shameless appropriation by Protector Somerset of its six chief prebends to favourites' families, and the suppression of six stalls. It had suffered from kingly brigandage the loss of all its historic treasure. But it had suffered more fatally under the Book of Canons of 1603. The 44th canon required 'all residentiaries in any cathedral church...after the days of their residency expired...presently *to repair to their benefices*, or *some one of them*...or some other charge.' This was the last blow to corporate usefulness or service." *The Cathedral*, pp. 87, 88.

and ought to be, summoned for the installation of Bishop, Dean, or prebendary[1]: but as no discussion at any time takes place on such occasions, on this theory they are entirely silenced. The 'voice' is nominally given them, but it is no longer in their power and option to make it heard, excepting as a silent vote. At the present day the number of residentiary Canons is statutably fixed at four (besides the Dean). All of these are of necessity dignitaries (Precentor, Chancellor, Subdean, and Archd. of Lincoln), so that the simple prebendaries would not now have (what they had without question in the fourteenth and fifteenth centuries) some few at least of their own order taking part in the business meetings along with the official residents, the '*Personae.*'

Dean Blakesley, judging from such records as had at that time come under his notice, wrote his memorandum on the claim of the non-residentiary prebendaries in 1879 under the impression that there were never more than 10 canons (all told) in Chapter meetings, even on such important business as the appeal to Bp Alnwick against Dr Macworth in 1438, and that consequently the usual weekly chapters would consist of a meeting hardly larger than that of the dignitaries resident at Lincoln in his own day. But he was only partially informed. Apart from the fact (which of course he admitted) that in old days the common chapter-meetings, however small, commonly if not always, comprised at least one or two of the simple canons, having no dignities, it may be seen from the documents which in late years have become accessible, and from the results given above on p. cciv, that even in the 16th century the residentiaries sometimes were rather more numerous than they were in Alnwick's episcopate, while in earlier days, or about the time when the Black Book was compiled, the number at an important meeting reached nearly 30, some of whom, it is highly probable, were '*nullo modo residentes.*' To this we may add that Dean Macworth himself, while he professed to abide

[1] Cf. "fratres conuocantur," *supra*, p. cii.

strictly by existing precedents, by no means considered that it was *ultra vires* to summon non-residentiaries, when he thought their help was advantageous[1]. His formal instrument, to summon "*omnes et singulos confratres et concanonicos*" to meet '*in domo capitulari*' on 22 Sept. 1440, '*ad tractandum,*' is entered in the *Black Book* (p. 403) as a clear precedent and instance of a Dean's power in that behalf. And the Bishop's determination to summon *all* the Canons was likewise carried into effect shortly afterwards. Unfortunately the reply which Bradshaw sent to Dean Blakesley's explanation of his own point of view, which had been accompanied by a copy of his memorandum to the Commissioners, is not now extant; but it was such as to lead the Dean candidly to admit that "as regards the term Canons, there is something to be said on both sides," 27 Nov. 1880.

Prebendary F. C. Hingeston-Randolph's "*Examination of the Case* on which Mr Arthur Charles, Q.C., has given an Opinion as to certain questions *touching the constitution of the Cathedral Body* at Exeter," 1 Aug. 1887 (privately printed), shows plainly that according to the constitution of Cathedral Churches of the Old Foundation all Prebendaries (whether residentiary or not) are Canons, and all Canons (including the Dignitaries as well as the undistinguished non-residentiaries) are (or may be) Prebendaries.

Let us now see in what light the *Novum Registrum* places the prebendaries with regard to meetings of the Chapter.

While we freely admit that it has been proved that this draft code lacks the authority of formal recognition and even of completion, we may yet refer to it now, or at least to large portions of it, as a fair exponent of the custom as it was understood in 1440: and this we can do to an extent which the then Dean was unable to recognise

[1] It must be recognised, however, that such meetings of Canons were summoned *pro re nata;* the non-residentiary Canons could not claim to sit at *every* chapter meeting at their own pleasure. See below, p. 334. My Father recognised this limitation. *Twelve Addresses*, p. 16 *n.*

in 1880, because we now have (what he had not) a text of Bp Alnwick's *Novum Registrum* in which passages which were allowed to pass unchallenged are distinguished from those which provoked discussion and were thought by members of the Chapter to require amendment, or were definitely repudiated by one or other of those present.

We shall see at the outset that no prebendary could come to the Chapter-meeting *unless he was* summoned.

Although, when once a Canon had 'protested residence' he might attend the business meetings of the Chapter as a matter of right (p. 288, margin), yet they who had not yet protested residence had no right to attend, nor any claim to be summoned for those Chapters which were concerned with the ordinary routine in which residents alone were concerned. Neither had non-residents been required to attend visitations held by the Dean, under the customs of the fourteenth century, unless they were specifically called to answer some personal charge (pp. 170, 171). The *Novum Registrum* directed that business should be discussed in Chapter by the resident brethren alone who were summoned 'de precepto Decani vel Presidentis.' But it was specially provided that no business concerning the Bishop, or any other members who were not present, should be discussed (p. 334). It would seem therefore natural *à priori* to summon non-residentiaries when any matter concerning their body required consideration. But before they could be summoned the consent of the Chapter would be requisite. There is an important passage in Alnwick's draft statutes (p. 285), relating to the Dean of Lincoln as convener: "Debeatque Decanus Canonicos Ecclesie *residenciarios*, pro negociis Ecclesie communiter pertractandis, quociens hoc requirit Ecclesie vtilitas aut honestas, conuocare; *et alios non residenciarios* quando et quociens Capitulum ad hoc consenserit." See also p. 321, whence it appears that the Bishop might require the Dean and Chapter to summon all the Canons, and that they might do so likewise on their own authority.

Now with the original draft of the *Novum Registrum* before us, with all its amendments, we can see that these two passages were not (so far as any evidence is forthcoming) the object of any opposition whatever. No one present in all those numerous meetings appears, in this case, to have lifted a voice to cry, '*esset aliter!*' Bp Alnwick, as we have seen, borrowed very largely from the St Paul's Statutes: but the former of these passages does not appear to have been thence derived. This particular provision was, I believe, homegrown at Lincoln. To judge from the course which he had pursued, Dean Macworth himself would have welcomed this clause as expressive of his own action; and he would, very probably, have maintained that it was in accordance with established custom[1], although he may not have cared at all for the original purpose for which a fuller Chapter was provided.

Bp Alnwick says that all Canons who are in England when summoned on the instance of the Dean and Chapter, or in compliance with the Bishop's mandate, are bound on their allegiance to appear (p. 321).

There was another passage where London Statutes probably *had* some influence, at least in the wording of the clause[2]. I refer to a suggested rule (on p. 324 *n.*;

[1] For a precedent, reference might be made to that large meeting of 40 Canons of Lincoln besides the dignitaries cir. 1258; cf. 1331.

[2] The Residentiaries at St Paul's were called *stationarii*, *stagei*, *stagionarii*, or *stagiarii*. (Reg. S. Pauli, pp. xxix, 33, 83, 84, 125.) They made 'protestation' of residence on either one of the quarterly vigils. After his first year of residence, a stationary canon of St Paul's might be absent for 27 days in each quarter without losing his commons (or 7 weeks, losing commons, but preserving his residential rights). He was to keep one Hour, or the High Mass, every day (par. vi. cap. 6. p. 83). The St Paul's Statute, part II. c. 27, a chapter not quoted by Alnwick, when speaking of Chapter meetings, says that the residentiaries are not to wait for the coming of non-residentiaries, nor are these to be summoned—'non expectatis vel vocatis reliquis non residentibus.' Though this is more decidedly against the claim of non-residentiaries than the Lincoln book, it still conceives the possibility of occasions arising for a fuller convocation, but it expresses this in a strange manner. They are not to be summoned—'especially in things honest and necessary.' The reference here, no doubt, is to matters of ordinary routine.

cf. 336) that a canon within the first year of protesting residence is not to mix in Chapter business, unless he be invited specially. This paragraph, derived, not from the third part of the Statutes of St Paul's, but probably from the earlier London Statutes (cir. 1185), was, on consideration, marked for excision in the Lincoln draft. I think this is one of the passages where (as Bradshaw noticed) Grantham, cir. 1500, and another transcriber of the *Novum Registrum* misinterpreted the *marginalia*. Consequently in the edition of 1873 the true history of the passage was necessarily obscured. But with Alnwick's Draft before us we are now able to understand what one or other of the members of the Lincoln body (probably some of the dignitaries or residentiaries) put forward as the existing custom or the more desirable arrangement. 'Such a Canon, in his year of probation, may lawfully attend these meetings,' the objector says; and so the Bishop, or commissary, strikes out the London rule.

One rule however was peremptory, and was certainly derived from antient custom at Lincoln. No prebendary is to take part either in the private discussions ('*tractatus secreti*,' i.e. after the vicars, and others who had attended in the Chapter House for the customary '*correctiones*,' had retired) or in elections, until he have come *in person* for admission as a brother and a fellow-canon in choir and chapter-house. This qualification is *de rigueur*, 'however much he may hold a prebend'[1]. Again, the tenure of a prebend is in itself a necessary requirement for holding a certain *status* at Lincoln[2]. The precedence of an archdeacon over a simple canon is dependent entirely on the

[1] '*Quantumcunque tenuerit prebendam*' (infra, p. 213): a most remarkable passage, because it is *common* to *Black Book* (p. 276) and the *Statutes of St Paul's London*, sanctioned cir. 1300, as well as to *Nov. Reg.*

[2] Cir. 1435—45, the Dean, Chancellor, and Treasurer held prebends; also the Archdeacons of Lincoln, Huntingdon, Northampton, Leicester and Stow. Bp Alnwick, however, and the Archdeacons of Oxon. Bucks, and Beds, apparently held no prebend at Lincoln at this period. Subdean Percy, doubtless, held 'Welton (Westhall) Subdecani.' Burton, like other Precentors since 1383, held the prebend of Kilsby.

former holding or not holding a prebend[1] (pp. 305—6). *À propos* of Archdeacons or Dignitaries it is laid down (in a paragraph which appears not to have been derived directly from the St Paul's Statutes) that they are not to attend business meetings unless they have been summoned by the Dean and Chapter (p. 314 and *note*). According to this *dictum*, at first sight, a dignitary or archdeacon at Lincoln, until he holds a prebendal stall, is (in respect of Chapter-meetings) placed on no better footing than a Bishop of Salisbury would be if the Dean and Chapter there declined to admit him to the prebend of Potterne or Harnham, which his predecessor in the See had vacated, or than a non-residentiary canon was at Lincoln itself.

The new, or supplementary, statutes, included in the Report of the Commissioners 27 March, 1885, with the assent of the Subdean, but without the support of Dean Blakesley, declare that,

"The Chapter of the Cathedral Church of the Blessed Virgin Mary of Lincoln consists of the Dean and of four Canons Residentiary, namely the Precentor, Chancellor, Sub-Dean, and some one of the Archdeacons of the Diocese."

"The management...of the fabric, the services, the discipline, the patronage, and the property of the church... its duties, usefulness, and rights...rests...exclusively with this Governing Body."

"The Dean is the convener...except in case of his absence from the United Kingdom," &c. But "the Subdean, or, in his absence the Canon in Official Residence, shall fill his place as Chairman" (in case of the Dean's illness or unavoidable absence).

The Chairman and two Canons Residentiary form a *quorum*, p. 6.

"The *Great Chapter* consists of the following persons:

[1] See *Novum Registrum* 'De numero canonicorum,' p. 307. It appears that the Dignitaries at *Lincoln*, if not prebendaries, had a voice in election of Bishop or Dean, though not in other business as a rule.

the Dean, the Precentor, the Chancellor, the Sub-Dean, the Archdeacons of the Diocese, the Prebendaries, and the holders of Canonries created under 36 and 37 Vict. c. 39."

"It is convened by the Dean, through the Chapter Clerk, for the election of the Bishop and that of the Capitular Proctor in Convocation; and at any other time for any business relating to the interests of the Cathedral, which the Dean with the consent or on the advice of the Canons Residentiary shall determine."

"On the summons of the Bishop, the members of the Great Chapter shall attend any conference or assembly called by him to consider any specified business, touching the Diocese[1]."

"No Statute framed by the Dean and Chapter is valid prior to its confirmation by the Bishop" (p. 7).

"The Bishop of Lincoln shall hold a Visitation of the Cathedral either at the period of his ordinary Visitation of the Diocese, or at such other time as he shall see fit. At this Visitation all members of the Cathedral body shall attend, and the Bishop shall inquire into discipline and reform abuses" (p. 13).

Such is the view now adopted as to the relation of the Bishop and of the non-residentiary Canons to the Cathedral body. It is, as we have already observed, not very probable that Dr Macworth would have troubled himself to assure the position of a consultative body such as the commissioners have called a 'Greater Chapter.' A Dean who could be nearly always absent from Lincoln[2], and yet

[1] A precedent for the special summons of a Canon of Salisbury (viz. the Precentor in 1319) when not holding a prebend may be seen in Jones' *Fasti Sarisb.* p. 224 *n.* As a specimen of the consideration which non-residentiary prebendaries of Lincoln receive at the present time, I may record that in the present month (Jan. 1896) I have received a summons or invitation to the Installation of a new brother-prebendary, and two copies of the Minster offertory or alms fund account for 1895.

[2] 'Item dat ponit et probare intendit pars dicti Capituli, quod... Decanus spreto suo huiusmodo iuramento...iam a diu se absentauit et ad huc se absentat ac residere recusat in presenti. Sicque fuit et est verum,' was the Canons' complaint, cir. 1412—18. See below, p. 258.

could venture to pose as a residentiary canon, as Macworth did, was not very likely to care much to help the Bishop in his counsels. Even under the Lancastrian kings the cathedral stalls were filled with men who thought nothing of any *concilium episcopi*, but sought 'every man his own.' Two centuries later a moribund estate of Lords Temporal, and a King for the moment vacillating, assented to the demand of a masterful minority that England should be deprived of Bishops[1]. Seventy years later, though King and Bishops and Nobility had been restored, a Hanoverian sovereign decreed that the Church of England itself should be without a Council. It is not then surprising that, after the suppression of Convocation, the last faint recollection of the Bishop's Council, which had survived in occasional visitations of the cathedral chapters by the bishops, died away[2]. It is not surprising either that when one who, like my Father, had done his best to promote the revival and restoration of the Council of the Church in the Convocation of Canterbury in 1851[3], should, when

[1] Hallam has shown (*Constit. Hist.* i. 527 *n.*) that in 1642 the heart of the country was sound towards the welfare of the Church, and it had no wish (like the House of Commons) for abolition of the Prayer-Book or of Episcopacy.

[2] "The *last* Visitations of Cathedrals were held in and about the *first* years in which *Convocation was not summoned*...All Church Councils slumbered together." *The Cathedral*, E. W. Benson, p. 99. In earlier times the Court of Rome had done what it could to suppress the Bishop's Council when unfavourable to the monastic power. About 1187—91 Baldwin, Abp of Canterbury, had established a college of secular canons at Hakyngton by Canterbury. It was to consist of 40 Canons, to serve as the Primate of all England's Council. The King of England and every Bishop of the southern province was to hold a prebend in it. But the Prior and Convent of Christ Church, Canterbury, raised such a storm of opposition, that the Archbishop was forced to pull down the chapel. 'The Hakington canons' (writes Dr Aug. Jessopp) 'vanished from the scene. Rome stamped them out.' And the result has been that 'ever since those days English bishops have tended to become not less but more uncontrolled than they had been.' *A word for our Cathedral System*, in the 'Nineteenth Century,' Jan. 1894, p. 94. See also Dugdale, *Monast.* vi. p. 1455.

[3] *On the Authority and Uses of Church Synods*, a sermon preached in

called to the Episcopate (1869—70), revive the custom of visiting his Cathedral Church (in Oct. 1870), and should call a Diocesan Synod (20 Sept. 1871[1]), and a Diocesan Conference (25 Oct. 1872), having himself been required to preside at the less authoritative but more extensive or comprehensive meetings of the Church Congress which was gathered at Nottingham, then in the diocese of Lincoln, in Oct. 1871. It was moreover a thing not to be wondered at, that, after such an interval of profound and universal silence upon all matters conciliar, men of education and ability should neither at once understand the efforts which a few were making, nor be able to realise the importance of any attempt to resuscitate the Bishop's Council. It barely entered their minds that such a thing had ever been.

My Father was more deeply and intelligently read in Church History than most of his contemporaries. He owed this, I believe, in a great measure to his own Father, the old Master of Trinity, whose well-worn copy of Inett's *Origines Anglicanae* (written, I suppose, at Lincoln) is now before me. Precentor Inett was one of those few English divines who in the last century kept alive the memory of Synodical action, and who sincerely deplored the decline of episcopal jurisdiction, and believed it to be a real loss that the Bishops had been 'deprived of the counsel and

Westminster Abbey, by Chr. Wordsworth, D.D., Feb. 9, 1851, the Sunday after the meeting of Convocation. (*Occasional Sermons*, Series ii. no. xiii., p. 125 *n.*) My Father sat as proctor for convocation in Nov. 1852, and continued to be a member of the Lower House (having in 1859 and 1864 declined the honour of nomination for election as prolocutor) until he was promoted to the Upper House in 1869. He delivered a weighty speech on the importance of reviving *Diocesan Synods*, in his place in the Lower House, 20 April, 1864.

[1] Dr Henry Philpotts, Bp of Exeter, had called a Synod of all the clergy of his diocese, twenty years before the Synod of Lincoln. It met at Exeter in June, 1850, the year before the revival of Convocation. An outcry was subsequently raised against this movement in the '*Times*.' See an article by Keble in the '*Christian Remembrancer*,' 1851, in defence of 'the Synod of Exeter.'

assistance of their Presbyters[1].' The *Lichfield* Statutes of 23 Feb. 1693—4 (cap. 2), drawn up by Bp W. Lloyd, one of the Seven Bishops (when of St Asaph) and at one time Canon of Salisbury, had been exceptionally clear. "Capitulum, hoc est, *consilium nostrum cathedrale*...dupliciter in eadem constare agnoscitur, nempe aut e Decano aliisque simul omnibus canonicis, quod aut *generale*, aut simpliciter *capitulum* vocatur; aut e residentiariis solis, decano scilicet et quatuor reliquis residentiariis aut eorum saltem majori numero, in personis vel propriis, vel vicariis (hisque vicariis, vel per hæc nostra statuta, suasve literas procuratorias legitimas, suppositis) comparentium, quod in his nostris statutis ubique 'residentiariorum capitulum' insignitur." *Report*, Lichfield, p. (24). The larger meeting is *the* Chapter.

The position which HENRY BRADSHAW took in this matter may not have been generally understood at the time; but, if I am not mistaken, it was fairly simple. It was also thoroughly characteristic of the man.

He agreed with Mr Norris and with the late Bishop of Lincoln that there was much in the constitution of the old Cathedral Foundations which had been allowed to sleep, but deserved to be aroused into new activity for the needs of modern times: he recognised that the desire of these far-sighted churchmen for such an organisation as a 'Diocesan Chapter,' or a 'Larger Chapter,' was a just one, and that their proposal to call it into action was (to use his own words) "a really admirable proposal." Bradshaw rejoiced to see such signs of life in the Church of England; and, though he heartily disliked the term 'Greater Chapter' on account of certain false notions of history which had been from the first connected with it, he did all in his power to encourage the growth of the thing intended, when it was called into being by the Bishop of Truro, as an 'Honorary Canons'

[1] See Inett's *Origines Anglicanae*, ii. p. 453, a passage which I find quoted in my grandfather's *Ecclesiastical Biography*, vol. i. p. 119 *n.* (in the fourth or posthumous edition, which my Father helped to edit).

Chapter' and a 'General Chapter of the Cathedral Church and Council of the Bishop,' both of which have functions distinct from the Residentiary Chapter, which consists of the Bishop [Dean] and Residentiary Canons alone.

On the other hand Bradshaw agreed with the late Dean Blakesley that the thing desired could not find any adequate historical authority in the precedents then known as found at Lincoln, or in other Churches of the Old Foundation in England or in Scotland.

See his *Letter to J. P. Norris*, cited, pp. 705—710, below. For my own part I think we may now say that large or 'general' meetings to which non-residentiary prebendaries were summoned, though not very common in old days, were not quite so rare as some have been inclined to think. Bishop Alnwick's 'convocation' of Canons was not unprecedented, though it was somewhat unusual. So also was its occasion.

The Diocesan Chapter, established tentatively in one place or another, and the desire for such an institution which was being felt and expressed on every side, were signs of fresh life and vigour in the Church of England. Such an assembly, under whatever name, if its meetings are to be in any measure periodical, and not confined to cases of great emergency, must be recognised as a new development, called forth by the special requirements of the age in which we are living. That so good a scheme should be enforced by an appeal to false or mis-stated history, and not put forward on the strength of its own merits, was a thing so distasteful and repulsive to HENRY BRADSHAW'S nature and principles that he used the opportunity which was brought within his reach to 'ring out the false,' while he left others to 'ring in the true.' At the same time, and in a silent and effective way, he helped forward what was commendable in their design in the free field of the Cathedral Church in Cornwall.

Miscellaneous Customs;

the Chantries and Obits at Lincoln.

In our survey of John de Schalby's Book (p. cxx) we passed over the section, "*De Obitibus*," as interrupting the sequence of other documents and the historical narrative which form the staple of his collection.

Without printing the *Obit List* at length we propose here to give the names of the persons commemorated, and likewise to extract from "the Compilation of 1527," about which Bradshaw has told us in his Memorandum on the Books (*Liber Niger*, pp. 176, 250) some supplementary names, together with a few scattered *consuetudines* which have been preserved in that collection.

The Volume of 'Statuta Ecclesiæ Lincoln,' marked ⊠ and numbered 'A. 2. 8,' contains at the beginning a dated copy (1527) of the 'Consuetudinarium de divinis Officiis,' compiled soon after the middle of the 13th century. This occupies leaves 1—11. Then follow memoranda '*Electio vicarij pro choro*' (1343): '*Juramentum per episcopum ecclesie lincolñ in Installacione sua prestandum*': with other oaths: '*De Installacione canonicorum alienigenarum, et eorum oneribus*,' and numerous extracts from John de Schalby's collection (about 1330), the *Psalmi et Taxaciones Prebendarum*, '*De Residencia*,' &c. &c., leaves (12—23).

The following refers to certain obits:

* A. 2. 8. (A.D.1527.) Lf. 23 *a*, line 6.

* MEMORANDUM quod Canonici (∧ pro) non residenc' habent[1] nichil percipient de obitu Roberti de Marisco · Thome de pararijs et Johannis Darby, quia tantum est canonicis magnam residenciam facientibus, neque clericus sancti Petri nichil percipiet.

Item de Obitu Willelmi thornton · Willelmi Aueton · et Johannis crakhall nichil percipient canonici paruam residenciam tenentes · neque clericus sancti petri.

[1] *forsan* 'paruam residenciam habentes' (*sive* 'tenentes'): *vel vox* 'heñt' *delenda*.

Item de Obitu leonardi dimwyk · Mathei buckingham et Thome Sutton nichil percipient canonici *par*ua*m* residentia*m* tenente*s* · neque clericus sancti petri·/

[The following may be compared with customs noted by Parker, p. 567.]

Quilibet Canonicus existens in negocijs cap*ituli* et bono ecclesie saluabit co*mmun*as vina et Obitus quocu*m*que ierit, sicut fu*er*it presens.

et hoc registr*atum* est

[Compare the next paragraph with p. 568, below.]

Dominica in Ramis palmarum pascet Decanus Sacristam, Succentorem, Vicecancellarium, Diaconum et subdiaconum tantum.

Et in feria iiij^{ta} in capite ieiunij

Et sic in die Cene, parasceues, Sancti sabati pasche,

et in vigilia pentecostes eodem modo.

Si propria[1] alicuius canonici euenerit in dominica Ramis palmarum, siue Episcopus celebrat siue non · ille canonicus ordinabit pro diacono et subdiacono pro tota septimana.

Qui episcopus vel Decanus non ordinabit pro diacono et subdiacono · nisi in festis principalibus[2]//

[1] *Propria Canonici:* the Residentiary Canon's personal 'turn' or week of duty and residence as *hebdomadarius*, or prebendary in weekly course of duty at Lincoln, on his own account, as distinguished from some other work of similar duty taken '*in cursu, loco absentium.*' Those only who had 'protested residence' for the year, at the proper time, thus shared 'in course' the turns, as they occurred, of those of their brethren who had omitted to ask to be counted as residentiaries, and, by such omission of the statutable protestation on their part, practically signified their desire and intention to reside upon their prebends away from Lincoln, instead of coming up to the Minster. The Canons who purposed to take their part in bearing 'the burthen and heat of the day' had of course to provide *parochial* Vicars to represent them and take their duty in their prebendal churches and country cures. On the other hand, a Canon who resided entirely on his prebend away from Lincoln, and omitted accordingly to protest residence, left only a Vicar *Choral* to represent him ordinarily in the Minster; but when this Canon's proper week came round, no vicar, but only a brother prebendary could discharge the duty of *Hebdomadarius* in his place. Cf. p. cii. "*propria septimana*"; p. 801.

[2] For the '*Festa ab Episcopo vel Decano pascenda,*' see p. 568.

[The following short paragraph is cited by Parker, p. 568.]

Ebdo*mada*rius in septimana ante festum Nat' Domini pascet Diac' et subdiac' diebus post diem epiphanie vsque Dominicam sequentem.

*23b.

*Hec sunt Festa in quibus vina ministrantibus ad summum altare sunt distribuenda.

In primis quandocunque dicitur seruitium Annunciationis beate Marie

Canonico celebranti missam	iij^{d}
Pro pillio suo[1]	j^{d} ob.
Ministranti dexteram eius	iij^{d}
Ministranti sinistram	j^{d} ob.
Principali diacono	iij^{d}
Duobus diaconibus, cuilibet	j^{d} ob.
Principali subdiacono	iij^{d}
Duobus subdiaconibus, cuilibet	j^{d} ob.
Sex virgarijs cuilibet · si veniant ante epistolam iij^{d}; si post, nichil	
Ebdomidario† pro vinis	iij^{d}
Choristis	j^{d} ob.
laico sacriste	j^{d}
Gartioni eius	j^{d}
Sutori, siue sissori[2]	iij^{d}
Lotrici	iij^{d}
Summa iiij^{s} ij^{d}.	

[1] [Cf. *Lib. Nig.* p. p. 377.]

In vigilia pentecost' · iiij^{or} legentibus lectiones cuilibet, siue fuerint canonici, siue vicarij	iij^{d}
Celebranti missam	iij^{d}
Capellano ministranti sibi	iij^{d}
Diacono	iij^{d}

[2] '*sissori*,' *scissori*, *cissori*: of these various spellings the second is, of course, the more correct in this sense (from *scindere*), where the tailor of the revestry is intended. *Per contra* our common English word 'scissors' is (as Prof. Skeat assures us) merely a mistaken spelling for 'cisars,' connected with 'chisel' and *cædere*.

Subdiacono ..... iij^{d}
Choristis ..... j^{d} ob.
Sex virgarijs, cuilibet ..... j^{d}
Sutori siue scissori ..... iij^{d}
Lotrici ..... iij^{d}

Summa iij^{s} j^{d} ob.

*In die Pentecost' fiat distribucio · sicut in die Annunciacionis predictum est · Ebdomidario excepto · pro pillio suo ..... j^{d} ob. * Lf. 24.

Summa iij^{s} xj^{d}.

Die lune celebranti missam ..... iij^{d}
Ministranti dexteram eius ..... iij^{d}
Ministranti sinistram eius ..... j^{d} ob.
Principali Diacono ..... iij^{d}
Duobus diaconibus, cuilibet ..... j^{d} ob.
Principali Subdiacono ..... iij^{d}
Duobus subdiaconibus, cuilibet ..... j^{d} ob.
Sex virgarijs, cuilibet ..... iij^{d}
Choristis vero ..... v^{d}
Laico sacriste ..... j^{d}
Sutori siue cissori ..... iij^{d}
Lotrici ..... iij^{d}

Summa iiij^{s} j^{d} ob.

Die martis celebranti missam ..... iij^{d}
Ceteris ministris diaconibus subdiaconib*us* virgarijs et alijs sicut in die pentecost' predict'.
Choristis vero ..... viij^{d}

Summa [*vacat*].

Die mercurij vicarijs ad missam legentibus lecciones, cuilibet ..... j^{d} ob.
Celebranti missam ..... iij^{d}
Ceteris sicut in die pentecost.
Choristis vero ..... j^{d} ob.

Summa [*vacat*].

Die Jouis missam celebranti ..... iij^{d}

Ministranti sibi ..... iij^{d}
Diacono euangel*ium* legenti ..... iij^{d}
Subdiacono, epistolam ..... iij^{d}
Choristis vero ..... j^{d} ob.
* Lf. 24^{b}. *Sex virgarijs, cuilibet ..... iij^{d}
Cissori et lotrici, cuilibet ..... iij^{d}
Summa iij^{s} j^{d} ob.

In die s$\overline{\text{c}}$e *Trinitatis*: missam celebranti ..... iij^{d}
Pro pillio suo ..... j^{d} ob.
Ministranti dexteram ..... iij^{d}
Ministranti sinistram ..... j^{d} ob.
Principali Diacono ..... iij^{d}
Duobus diaconibus, cuilibet ..... j^{d} ob.
Principali subdiacono ..... iij^{d}
Duobus subdiaconibus, cuilibet ..... j^{d} ob.
Sex virgarijs cuilibet ..... iij^{d}
Choristis vero ..... j^{d} ob.
Sutori vel cissori pannorum lineorum pro tota septimana preterita ..... ij^{s} iij^{d}
Lotrici vestimentorum pro septimana preterita ij^{s} iij^{d}
Summa [*vacat*].

In vigilia S. Johannis · missam celebranti ..... iij^{d}
Ministranti dexteram sibi ..... iij^{d}
Diacono euangel*ium* legenti ..... iij^{d}
Subdiacono epistolam legenti ..... iij^{d}
Sex virgarijs, cuilibet ..... j^{d}
* Lf. 25^{a}. *Choristis vero ..... j^{d} ob.
Summa [*vacat*].

In die S. Johannis missam celebranti iij^{d}. Pro pillio suo, j^{d} ob. Ministranti dexteram iij^{d}. Ministranti sinistram j^{d} ob. Principali diacono iij^{d}. Duobus diaconibus · cuilibet, j^{d} ob. Principali subdiacono, iij^{d}. Duobus subdiaconibus, cuilibet j^{d} ob. Choristis vero iij^{d} ob. Sex virgarijs, cuilibet iij^{d}. Ebdomidario pro vinis, iij^{d}. Cissori lineorum iij^{d}. Lotrici vestimentorum, iij^{d}. Summa ... [*vacat*].

In vigilia Apostolorum Petri et Pauli · et In die eorundem fiat celebranti missam, et omnibus alijs sicut predictum est in vigilia et in die S. Johannis baptiste.

In Festo Reliquiarum[1] celebranti missam, iij^{d}. Pro pilleo suo, j^{d} ob. Ministranti dexteram iij^{d}. Ministranti sinistram, j^{d} ob. Principali diacono, iij^{d}. Duobus diac.' cuilibet, j^{d} ob. Principali subdiacono, iij^{d}. Duobus subdiac.' cuilibet, j^{d} ob. Choristis vero, iij^{d}. Sex virgarijs, cuilibet, iij^{d}. Lotrici vestimentorum iij^{d}. Sutori siue cissori lineorum, iij^{d}. *Ebdomidario pro vinis, iij^{d}. Summa ..... [*vacat*]. * Lf. 25^{b}.

In die S. Marie magdalene, missam celebranti, pro vinis, iij^{d}. Ministranti dexteram, iij^{d}. Et per ordinem omnibus alijs vt in festo Reliquiarum supradictum est.

In vigilia Assumptionis beate Marie omnia fiant sicut in vigilia Sancti Johannis baptiste.

In die Assumptionis · omnia fiant sicut in die sancti Johannis baptiste /

In die Nativitatis beate Marie omnia fiant sicut in die Assumptionis eiusdem.

In die exaltacionis sancte crucis omnia fiant sicut in die beate Marie magdalene /

In die sancti Michaelis omnia fiant sicut in die exaltationis sancte crucis.

Iste sunt parcelle
que soluuntur ministris subscriptis,

In primis Succentori	vj^{s} vj^{d}
Item Sacriste	x^{s}
Clerico communis camere	vj^{s} vj^{d}
Preposito vicariorum	xv^{s}
Pauperibus clericis	vj^{s} viij^{d}
Duobus custodibus summi Altaris	x^{s}

[1] The Feast of Relics at Lincoln. Precentor Faireclough (*vulgo* 'Featley') gives (vol. B. p. 71) 'A note to know Relique Sunday. The 2nd Sunday after the feast of St Peter and St Paul, is Relique Sunday.' In other words it was (as in Sarum use) *Dominica proxima post festum* [*Translacionis*] *Thome* [*archiepiscopi martyris*, i.e. *post* Jul. vii].

26a. Two lists of Holy Days follow on parallel columns, but neither of them has any title or heading to explain their intention.

26aa. The first enumerates 28 days, beginning with Michaelmas and ending with Holy Cross Day in September, the end of the Lincoln capitular year. This list need not be printed here, as its contents are indicated at p. 545 *n.*

26ab. The other list goes over the same course, but omits Christmas, Easter and Ascensiontide. On the other hand, it takes account of four Evens or Vigils which are not noted in the longer list, and of the Th., Fri. and Sat. in Whitsun week, thus making a total of 22 days with various payments 5*d.*, 3½*d.*, 3*d.*, and 1½d. (making a total of 4*s.* 6½*d.* in all) assigned to them.

[What follows is a sort of interpretation or extension of the custom registered in the Black Book, p. 290, '*De processione diaconorum die Natalis Domini ad vesperas*' &c.]

[De Cereis.]

* A. 2. 8. Lf. 26b. *In die Natalis Domini post vesperas In processione // Decanus diaconorum habebit vnum [cereum] de dimidia libre · ceteri vicarij diaconi quilibet cereum de vno quart' · et sic ad matutinas habebunt sine redonacione / quattuor autem rectores chori erunt dictis diaconis assotiati, et quilibet eorum vnum cereum habebit de vno quart' · et dicti rectores omnes illos traditos[1] custodi cere redonabunt.

[1] [*h. e.* cereos officio functos et non totaliter inter procedendum consumptos, sed extinctos.]

Memorandum · quod quilibet Canonicus In dignitate constitutus post vesperas In die sancti Stephani habebit vnum cereum de vna libra et quart' / Alij vero Canonici, Custos altaris sancti Petri, Sacrista, Succentor, et Vicecancellarius habebunt cereos de dimidia libre / Omnes vero Capellani, et Alij habitum portantes presbiteri, habebunt cereos de vno quart' sine redonatione aliquali, et eodem modo habebunt cereos ad matutinas in nocte sequente ad stationem coram summo altari·/

[This next paragraph refers to the Boy Bishop, or "barne busshop," as he was called in the Treasurer's Inventory in 1536, lf. *M.*][1]

In die vero sancti Johannis post vesperas · Episcopus puerorum habebit vnum cereum de dimidia libre · et quilibet alius chorista habebit vnam paruam candelam ad libitum sacriste / et sic fiet ad matutinas sine redonacione. Act† dictus Episcopus cereos suos dabit succentori et Vicecancellario·/

In die Purificationis beate Marie duobus balliuis[2] et illorum duobus clericis ciuitatis Lincoln custos cere quattuor cereos de dimidia libre deliberabit / quattuor autem portantibus clauas · et vni thelonario quinque cereos de quart' donabit·//

[1] "Item a coope of Rede velvett with Rolles & clowdes, ordenyd for the barne busshop, with this scriptur *the hye wey ys best.*" See *Lincoln Inventories* in *Archæologia Lond.*, vol. 53. There is a short paper on 'Boy Bishops' by England Howlett in Mr Andrews' *Curious Church Gleanings*, pp. 241—50.

[2] *duobus balliuis:* in the 17th century these were styled Bailiffs 'North' and 'South'; 'Balliuus sive Nuncius Capituli in partibus Borealibus' and 'in partibus Australibus.' We read also of the Bailiff of Glentham and the Bailiff of Navenby.

[A Table of 'Feedings' at Lincoln in a 17th century handwriting from a small slip of paper in portfolio C. v. No. 2 (1).

	Sundays feedings [*s.* *d.*]	Deanes dayes [*s.* *d.*]	Mrs Dayes [*s.* *d.*]
Sacrist	0 3	0 3	0 3
Subchanter	0 3	0 3	0 3
Vicechanceller	0 3	0 3	0 3
Subsacrist	0 3	0 3	0 3
Choristers	0 6	0 8	0 8
Epistler	0 6	0 3	0 0
Cler. Chapt.	0 3	0 3	0 3
Provost Cler.	0 3	0 3	0 3
Receiuer	0 3	0 3	0 3
Constable	0 3	0 3	0 3
Cler. fabrice	0 3	0 3	0 3
Chiefe Balife	0 3	0 3	0 3
Porter	0 3	0 3	0 3
4 Bellringers	1 0	1 0	1 0
2 Bellringers	0 11	.....	.....
The Vicars	2 0	1 3	1 4
Blacke Jacke[1]		0 6	0 2
4 Virgers		1 0	1 0
Cler. Re. & Ve.			0 3
	7 8	7 5	7 2

[1] '*Black-jack*' is well known to us as the name of an old fashioned (waxed) leathern ale jug, familiar to Old Wykehamists, and depicted in [Bp Charles Wordsworth's] *The College of St Mary Winton*, 1848, p. 28. The term and the thing were also used in Lincolnshire in the farm houses in the 18th century. Mr E. Peacock, of Bottesford Manor near Brigg, has a black-jack, silver-mounted, which has been in his family since it was "the gift of George Barteran to Abigail, 1682." Cp. Hone's *Table Book*, i. p. 15. The word has been applied to several other things; the caterpillar of the turnip-fly, *athalia spinarum* (Barnes, *Dorset Dialect*); the barren oak, *quercus nigra*; sulphide of zinc, or '*false galena*' (*Derbyshire*); and the pirate's ensign. (*Ogilvie.*) This shows that the word was at one time widely used, and then for a season almost lost its first signification. Here, in the text, it must (I think) apply to one of the Black-Guard or *garciones*, or perhaps the sweeper, *scoparius*. Cf. *Liber Niger*, pp. 75 *n.*, 337.

On the Obits of Lincoln Church.

Our Minster still possesses half of its great *bibliotheca* or Latin Bible which was apparently in use there in the time of St Hugh, but dated from the days of one of his predecessors Robert, immediate successor to Remigius, when it was given by 'Nicholas, canon, and archdeacon' of Huntingdon, probably before the year 1109[1].

Between the book of Job and the Psalms[2] there is a list of Lincoln Obits.

'*Incipiunt obitus* anniuersariorum *per anni circulum.*' These occupy four pages and a half. This kalendar or obit list, from which we will extract the names presently, is in the form of a kalendar and was written near the close of the twelfth century, probably cir. 1185.

In addition to this early record we have in John de Schalby's Book, known as '*Martilogium*' (A. 2. 3), an Obit List cir. 1330—40; and we possess likewise a MS. (A. 2. 8) dated 1527 which supplies some additional names.

As old monuments in some cases are removed, or otherwise become lost to sight in the course of ages, so also many of the earliest obits in time ceased to be kept up.

We have, in the case of the convent of B. Mary and St Ethelburga, Barking, a memorandum of an order made to carry out this discontinuance *systematically*, about the year 1300, when dame Anne de Vere was abbess. It was then decided to omit all special commemoration of abbesses who had been dead '*ante centum annos vel ducentos.*' (Dugdale *Monasticon* i. 442.)

[1] "Nicholaus canonicus et archidiaconus dedit hanc bibliothecam in duobus voluminibus sancte Marie Lincoln."—And again among the Obits in the month of March we find, "III. Idus. Eodem die Nicholaus canonicus et archidiaconus qui dedit bibliothecam sanctae Mariae Virgini" commemorated.

[2] An account of the Lincoln *Bibliotheca* or great Latin Bible will be found in the first Appendix at the end of the concluding *fasciculus* of this work (pp. 787—799). Job here follows the Minor Prophets.

The Obit List in the Great Lincoln Bible.

The Obits in the odd volume of the great Latin Bible, preserved in its original oaken boards in the Library at Lincoln, are for the most part entered about the time of Geoffrey Plantagenet, Walter de Coutances and St Hugh, the fifth, sixth, and seventh bishops of Lincoln.

The obit of 'Stephanus illustris rex anglorum' 1154 is entered 25 Oct. (as well as that of his parents and of William I.), but *not* that of King Henry II., who died in 1189. Of the Bishops of Lincoln, 'bone memorie Robertus' (de Chesney), who died in 1167, is commemorated at 26 Jan. Also (probably) his mother on the 13th, as well as his predecessors in the see, and the mother of Bp Alexander. Red, green, and blue are used in the original ornamentation of the kalendar, but the names themselves are, with only two exceptions, written entirely in black ink. The two names which are distinguished by the use of *red* ink are those of "*Remigius, ecclesie stabilitor*" and "*Alexander, huius sedis episcopus tercius*[1]." But St Hugh, who died in Nov. 1200, is not named; as neither is Walter de Coutances, who after a short episcopate at Lincoln was removed to Rouen, nor Geoffrey, who being a considerable benefactor was, as we know, in due time entered on the Lincoln obit list, but survived St Hugh some years. Moreover, of the Deans of Lincoln only one, Aldelm, here called the 'fourth,' is named. He died in 1162. It seems clear therefore that the first handwriting of the obituary must be dated not earlier than 26 Jan. 1167 (or it could not have recorded the death of Bp Robert de Chesney), nor later than 1189 (or it would have noticed the decease of King Henry II.). If Hamo the chancellor of Lincoln died 17 Aug. 1182, as Hardy tells us from Selden's MS. chronicle, we may conclude that our obit kalendar was made cir. 1182—89. And I believe that experts accept that date as quite compatible with

[1] Alexander, third bp of Lincoln, died in 1147 or 1148.

the style of writing. The later insertions, which are not numerous, refer to less familiar names.

Each day's entry is as a rule introduced by the formula "Eodem die ϑ" so and so. The *theta* stands for *obiit*, possibly with some reference to *thanatos*. The later insertions have a '*nigrum* Θ' of an uncial form. I suppose that "*eodem die*" was used in order to remind the reader *in capitulo* how he was to link the local obit or obits to the lection of the kalendar and martyrology for the coming day[1]. It seems unnecessary to repeat this phrase, so I will merely give the list of names. The mention of lay folk, brethren and sisters of Lincoln confraternity, and of deacon canons will not escape the Reader's notice[2].

Incipiunt obitus anniuersariorum per anni circulum.

8 Jan. vi. Idus. Eodem die obiit Colsuanus pater Picoti [Colswegen, founder of Lincoln below-hill][3].

10 Jan. iiii. Idus. Eodem die obijt Robertus [Bloet] huius sedis secundus episcopus [A.D. 1122].

13 Jan. Idus. Eodem die ϑ Adeliza mater episcopi Roberti. [Her son, Robert de Chesney, Bp, died in 1167.]

14. Godefridus canonicus et sacerdos.

15. ('Robertus, archidiaconus Lincolniae; qui dedit quoddam uirgultum, quod emit, Deo et sanctae Mariae,' *inserted, partly in margin, different ink.*)

18. Moyses clericus, qui dedit terram suam sancte Marie.

[1] On the Martiloge see Lincoln *Black Book*, pp. 38, 43, 45, 49, 53, 86—91, 265, 374, 383. And, in the present book, p. 136. Cf. *The Martiloge in Englysshe* (ed. Procter and Dewick, 1893) *Introd.* and p. 212.

[2] On the Lincoln confraternity see *Black Book*, pp. 408, 409.

[3] When Lincoln Castle and Minster were built, cir. 1068—86, Colswegen or Colswayn, probably of Danish extraction, obtained permission to build 36 houses and 2 churches (St Peter at Gowts 'down-hill,' being one of them) beyond the river, for the people who were dislodged 'above-hill.'

19. Hacon,
et Quenild' uxor Martell'.
20. Aeliz uxor Normanni.
('et') Iohel.
'Ipso die Dauid archidiaconus [cir. 1171].
et Johel cle*ricus*' [margin[1]].
29. Vlf.
30. Radulfus, canonicus et sacerdos.
31. Ada mater Alexandri episcopi. [*He* died cir. 1147.]
Et Willelmus constabularius eius.

Feb.

8. ('Gunterus canonicus,' *different ink.*)
9. Willelmus archidiaconus Norhamtonie [A.D. 1168].
10. Margareta, uxor Aluerdi.
11. Ediua.
12. ('Quenil uxor Willelmi filii Ag; que dedit terram suam sancte Marie,' *different ink.*)
15. Osbertus filius Hugonis, canonicus.
('Et Gilbertus,' *different ink.*)
20. *Alexander huius sedis episcopus tertius.* [? A.D. 1147—8[2].]
*Et H*awisa uxor Walteri de Amundavilla [cir. 1162].
23. Robertus.
24. ('Adelelmus, egregius huius sedis Decanus quartus,' *different ink* [post A.D. 1163].)
26. ('ob' Ulf, qui dedit terram in parrochia sancti Andree,' *different ink.*)

Mar.

3. ('Radulfus de Hesi,' *different ink.*)
4. ('Willelmus filius Willelmi de Paris,' *different ink.*)
6. Milesand vxor Osberti.

[1] The reading 'Johel cle*ricus*' is not quite certain; the latter word in the MS. looks like "đe."

[2] 'Anno tercio decimo Regis Stephani idem Alexander obiit.' *Schalby*. i.e., between 26 Dec. 1147 and 25 Dec. 1148. Le Neve-Hardy, however, says "20 July, 1147," and adds that Alexander's successor was consecrated in Sept. 1147.

7. Brand presbiter.
   Et Beatrix uxor Picoti.
   Et Adela mater Stephani regis.
10. ('Galfridus presbiter,' *different ink.*)
13. Nicholaus canonicus et archidiaconus qui dedit bibliotecam sancte Marie Virgini.
14. ('Rogerus,' *different ink.*)
15. Nicholaus Canonicus et sacerdos.
19. Agnes filia Ranulfi Ruffi, que dedit Deo et sancte Marie terram suam in Wicheford'.
21. ('Richilda,' *different ink.*)
22. ('Willelmus,' *different ink.*)
24. Rogerus archidiaconus de Bercasira canonicus [cir. 1160—70][1].
25. Willelmus filius Osberti.
    Et Outhild' soror nostra.
29. Guarinus Canonicus.
    Et Goda soror nostra.
31. Nicholaus, archidiaconus Bedefordiae [cir. 1145—72], qui dedit sancte Marie missale, et calicem deauratum, et uestimentum sacerdotale[2] (*perhaps different ink*).

April

1. Colegrim.
[4. *A name erased.*]
5. ('Goslanus de Amundauilla dapifer,' *different ink.*)
7. Berengarius miles.
8. Herebertus sacerdos.
10. ('Margareta,' *different ink.*)
14. Walterus canonicus et sacerdos.
15. Galfridus filius Aluerdi qui dedit terram sancte Marie.
21. ('Reginaldus diaconus,' *different ink.*)

[1] Roger archd. of Berks appears in a charter of Joceline, bp of Sarum. *Osmund Reg.* fo. 25.

[2] The Chancellors of Lincoln cir. 1150—65, had among other volumes 8 *missales libros* in their charge.

24. Walterus Theotonicus.
Et Ausfridus qui cognominatur Picotus.
Et Ricardus de Heia.
25. Godefridus archidiaconus [Leicestriae, cir. 1100] et canonicus.
26. Walterus archidiaconus Leicestrie [cir. 1120[1]].
28. ('Beatrix, que dedit terram suam sancte Marie,' *different ink.*)

May

2. Matildis regina uxor Henrici regis [A.D. 1118].
3. Matildis regina, uxor Stephani regis [A.D. 1167[2]].
6. *Remigius episcopus, Lincol*niensis *ecclesie stabilitor* [In Die Ascensionis Domini, A.D. 1092].
7. Gillebertus Canonicus et sacerdos.
8. Rogerus Canonicus.
14. Nigellus archidiaconus [Norhampton. primus, cir. 1078—1115]. Et Wlbertus, qui dedit terram in parochia sancti Cuthberti.
25. Willelmus Talebot canonicus.
28. Albericus canonicus et sacerdos.
29. Outi filius Vnni, qui dedit terram unam sancte Marie in parrochia sancti Petri.
31. Saherus de Arcellis, qui concessit Deo et sancte Marie dimid*iam* carucat*am* terre quam clamabat in Asgerebi.

June

2. Willelmus canonicus et diaconus.
Et Emma vxor Anschetilli de Escuris.
Et Robertus de Wigornia, canonicus.
6. bone memorie Petrus abbas Messendane[3]. Pro

[1] Walter 'vir omnino landandus' *H. de Huntingdon.*

[2] Queen Matilda is said to have died 10 Sept.

[3] St Mary's Abbey, Missenden, Bucks, was founded for the Augustinian order in 1133. Daniel is named in the *Monasticon* (vi. p. 457) as first abbat. Peter, Hamo's brother, not named in Dugdale, may have been the second or third.

cuius anima Hamo frater eius, noster concanonicus et cancellarius, dedit ecclesie nostre Librum Sermonum totius anni[1].

8. Radulfus canonicus et diaconus.
11. Aiax canonicus et sacerdos.
15. ('Robertus del Bict[2], succentor ecclesie,' *different ink.*)
17. Hugo canonicus et sacerdos.
20. Fulco filius Aluarici.
23. Ricardus sacerdos de Estgata; qui dedit terram suam sancte Marie.
29. ('Sileua, que dedit fabricam sancte Marie. Et Willelmus Canonicus,' *different ink.*)
30. ('Galfridus de Calz, qui dedit calicem argenteum deauratum, ponderis xl· sol.' *different ink.*)

July

1. Ricardus archidiaconus [cir. 1130].
   Jordanus thesaurarius [cir. 1155].
3. Siwardus, canonicus et sacerdos; qui dedit terram suam sancte Marie in parrochia sancti Michaelis.

[1] In another part of this Bible the gifts of books 'de dono Hamonis cancellarii' are Psalterium iuxta glosaturam Gilleberti Porrete [Bp of Poitou, 1141—54] simul cum textu et cum rubra coopertura.

Sermones in ecclesia per totum annum legendi.

Et Martilogium nouum continens Regulam Sancti Augustini, cum expositione eiusdem Regule, cum aliis pluribus scriptis.

The gifts of St Hugh, entered in the upper margin cir. 1200, were

Duo magna uolumina Sermonum catholicorum doctorum per totum annum.

Et libellus de Vita Patrum, cum rubro coopertorio.

Et Psalterium cum magna glosatura, quod G precentor habet.

Et preterea Omeliarius in corio ceruino, qui sic incipit, *Erunt signa.*

Et Martilogium cum textu quatuor Euangeliorum, quod cantor habet.

The *Liber Sermonum*, mentioned in our text of the Obits at June 6th, was probably a book of lections *de tempore* to be read at Mattins in choir. Such a book is called "*Sermologus*" by Sicardus of Cremona, cir. 1190, and by him defined to be 'liber sermonum hiemalium et aestiualium.'

[2] Robertus del Bict (*not* 'De Bictur,' as Dimock printed it) *hodie* Bight. Mr Maddison, who has kindly re-examined the original MS. for me, informs me that part of the name borne by 'Robert of the Bight' (East, or West) survives in "Tom-a-bight's lane."

10. Alexander, canonicus et sacerdos.
15. Rogerus filius Geroldi qui dedit sancte Marie prebendam de Asgerebi.
Et Goda.
16. Walterus canonicus.
22. ('Willelmus de Amundevilla' [post A.D. 1162], *manu alia.*)
25. ('Matilda, cuius filius dedit xii. d. annuatim Deo et sancte Marie,' *different ink.*)
26. Merewen soror nostra.
28. Johel sacerdos.
Et Galfridus canonicus.
30. Gillebertus canonicus et sacerdos.
Et Demilt uxor Lewine. Ipsa, concessu uiri sui, dedit terram suam sancte Marie.

Aug.

2. Rompharus filius Outi.
4. ('Richilda uxor Fulconis,' *different ink.*)
5. ('Symon qui dedit fabricam sancte Marie,' *different ink.*)
9. Gregorius.
Et Alviva uxor Eilsi de Wicheford', qui dedit tres acras terre Sancte Marie in parrochia sancti Bartholomei.
13. Matildis que dedit terram suam sancte Marie in parrochia sancti Augustini.
14. Willelmus de Bugenden.
15. Lewen de Estgata, que dedit terram suam sancte Marie.
Et Willelmus Pascher.
16. Comes Eustachius, Regis Stephani filius.
17. magister Hamo, Cancellarius huius ecclesie [A.D. 1182].
19. Radulfus de Munemuta canonicus.
21. Mulier[1] vxor Fulconis.

[1] Dimock suggests that 'Mulier' is an error for 'Muriel,' a name which we find on 10 Sept.

24. Licellina, uxor Hugonis Malet[1].
25. Ilbertus, canonicus et sacerdos.
Et Radulfus subdecanus [cir. 1163].
29. Robertus de Cantebrige, Canonicus.

Sept.

2. Mauricius, Canonicus et diaconus.
6. Gleu.
9. Willelmus Rex Anglorum [A.D. 1087].
Et Turstinus } qui dederunt terram suam sancte
et Leuerun } Marie in Hundegata.
10. Petrus cantor noster [primus] qui cognominatus est Werno.
Et Robertus de Heia [constabularius castelli de Linc.].
et Muriel vxor eius.
11. Willelmus de Romara; qui confirmauit prebendam de Asgerebi, et dedit terram de Calis S. Marie.
15. Toua que dedit terram suam sancte Marie in parrochia sancti Augustini.
16. Willelmus Canonicus.
18. Philippus Canonicus et sacerdos.
19. Gillebertus, Canonicus et sacerdos, filius Ricardi Archidiaconi.
Et Ricardus clericus.
Et Herveius canonicus.
Et Adam de Heli, Canonicus noster.
24. ('Galfridus, filius Willelmi de Paris.' *different ink.*)
30. Godricus clericus, qui dedit terram suam sancte Marie in parrochia sancti Petri.

Oct.

3. Petrus de Melida, canonicus et sacerdos.
4. Rainerus, canonicus et sacerdos.
5. ('Fulco de Cheineto, Canonicus' *different ink.*)
7. Gillebertus Clericus, filius Ernaldi cementarij; cuius mater dedit duas solidatas redditus Deo et sancte Marie in Newerch.

[1] Hugh Malet: cf. *Registrum Antiquiss.* fo. 157.

10. Robertus de Cundi[1].
12. Siwardus, Canonicus et sacerdos.
Et Walterus Canonicus et diaconus.
13. Engelramus Canonicus et diaconus.
15. ('Robertus de Racolf, canonicus et sacerdos' *manu recentiori.*)
18. Godewinus, qui dedit Boicroft Sancte Marie.
Et Galfridus Canonicus et Sacerdos.
20. Willelmus filius Haconis [sheriff of Lincoln, temp. Hen. I.].
23. ('Gentilius, nepos Alexandri pape tertii[2], canonicus.' *different ink.*)
25. Stephanus, illustris rex Anglorum [A.D. 1154].
26. Simon filius Willelmi.
28. Adzo, qui dedit terram suam sancte Marie iuxta pontem Ciuitatis.
29. Ansoldus Canonicus.
[30. Eodem die ϑ 'Gerardus Canonicus et Subdiaconus.' *Struck out.*]
31. Thomas, canonicus et Sacerdos.

Nov.

9. Osbertus presbiter, frater noster.
11. Beatrix, uxor Goslani dapiferi [quae fuit fundatrix prioratus Augustiniani de Ailsham, cir. A.D. 1150].
13. Robertus, Canonicus et diaconus.
14. Aluerdus filius Radulfi filii Dorandi.
19. Hunfridus Subdecanus [cir. 1140].
23. ('Willelmus sacerdos de sancto Svituno; qui dedit reditum xii. deñ. Sancte Marie, de terra que iacet in parochia Sancti Eadmundi.' *different ink.*)
26. Nigellus de Albeni.
27. Odo sacerdos.
29. Osbertus Canonicus et sacerdos.
Et Ada vxor Alani, qui dedit terram sancte Marie.

Dec.

2. Henricus, pacificus rex Anglorum [A.D. 1135].

[1] Rob. de Cundi. Cf. Registr. Antiquiss. fo. 46.
[2] His uncle, Alexander III., was Pope 1159—81.

('Et Wigerus, canonicus sacerdos' *different ink.*)

3. ('Andreas de Norewiche' *different ink.*)

8. ('Gerardus, Canonicus et Subdiaconus.
Et Bernardus sacerdos.' *different ink.*)

11. Rogerus, episcopus Salesberie [A.D. 1139[1]].
('Et Christiana uxor Alardi Thronur.' *different ink.*)

12. Radulfus, archidiaconus[2].

13. Ougrim, qui dedit terram suam Sancte Marie.

14. Willelmus thesaurarius noster [cir. A.D. 1150].

18. Albinus [Andegauensis] Canonicus et Sacerdos.

20. Walterus de Amundeuilla [cir. A.D. 1158].

22. ('Ricardus Clericus' *different ink.*)

24. Jordanus filius Fulconis.
Et Aschetillus, Canonicus et sacerdos.
Atque Randulfus, Canonicus.

27. Bone memorie Robertus [de Cheineto seu Querceto] huius Sedis episcopus Quartus [A.D. 1166].

28. Brianus filius Petri qui accrevit redditum nostrum xii. deñ.

OBITS, ENTERED IN SCHALBY'S 'MARTILOGIVM.'

We will now give the list of obits from the list which is entered in John de Schalby's Book, the 'Martilogium' (so-called). We print little more than the names, without entering into the details of the payments due at the anniversaries of the persons departed. This list supplies the first 45 items[3]. We will supplement it from the later books, and then from the Rolls of *Re* and *Ve* of various dates.

1. W. de Ingham' preb. of Stow.

[1] Roger, Chancellor of King Stephen, was Bp of Salisbury, nominated in 1102 in succession to St Osmund, elected in 1103, but not consecrated till 11 Aug. 1107. He died in Dec. 1139, and probably on the 11th, as his obit was kept on that day at Salisbury as well as at Lincoln. He was buried in his cathedral church 'in tertio arcu ab altari matutino.'

[2] Ralph: possibly the first Archd. of Leicester, instituted by the Founder Remigius, cir. 1078—1100. Or else Ralph, second Archd. of Bedford, who succeeded Osbert cir. 1105 and was '*miserande occisus*' (Henr. Huntingd.).

[3] '*De Obitibus Eccl. Cath. Linc.*' ex cod. MS. A. 2. 3 (Schalby's '*Martilogium*') cir. A.D. 1330—40, fo. 44.

2. Simon de Barton, ar. Stow, *ob.* 1280.
3. W. de Heminghburgh, united with Hich and Wydington, nos. 6, 18.
4. W. de Lexinton dean *ob.*? 8 Dec. 1272.
5. Ri. de Mepham, decanus, obiit Lugduni cir. 1274.
6. Nic. Hich' subdean cir. 1265 (Was this the same person as Nic. Heigham ar. Oxon. 1275, Dean; *ob.* 30 Apr. 1288?)
7. Pet. de Hung*aria*.
8. Juliana Beneit
   and Ro. Benetson (fil. Benedict.).
9. T. de Perarijs (attached to Ro. de Marisco and J. Darby, nos. 41, 40).
10. Ro. Cadenay, precentor, *ob.* cir. 1246—50 (united with Adam Brampton, no. 13)[1].
11. Ri. Faldingworth (tenements in Newport).
12. Oliver [Sutton] Ep. 12—13 Nov. 1299.
13. Adam de Brampton, precentor, *ob.* 1293 (united with Cadney, no. 10).
14. H. de Cicestri*a*, chanc., *ob.* cir. 1271. [See p. 813 *n.*]
15. Ri. de Graveshende Ep. *ob.* 18 Dec. 1279.
16. J. de Dalderby Ep. *ob.* 12 Jan. 1320 (from the church of Normanby).
17. J. de Undel (Oundell), subdean, *ob.* 1275 (united with Mepham and W. Hampton, nos. 5, 19).
18. J. de Wydington (in union with Hich and Hemmyngburgh, nos. 6, 3).
19. W. de Hampton (with Mepham and Oundell, nos. 5, 17).
20. Ro. de Hayles, ar. Linc. *ob.* 1238.
21. Rog. de Rollesdon (Rolveston) dean, *ob.* 1223 (with Kylkenny and Ri. Stretton, nos. 22, 51).
22. Odo de Kylkenny (united with no. 21[2]).

[1] Precentor Kadeney, or Cadenay, not known to Le Neve or Duffus Hardy, appears also as a prebendary of Nassington.

[2] Odo de Kilkenny (no. 22), in 1279, or 1269, founded the house of Carmelites or Whitefriars, where the Midland Railway Station at Lincoln now stands. Fragments of the building were, at the Dissolution of Monasteries, worked into St Mary's Conduit near the Church of St Mary le Wigford.

23. Pet. de Columpna (united with Maydenston and Alan de Eboraco, nos. 30, 29).
24. W. de Aveton (with Thornton and Crakhall, see 31).
25. Godred.
26. J. Flemmingh' (united with the preceding).
27. Egidius Rufus (Giles le Rous) ar. North., *ob.* 20 Nov. 1272 (united with T. de Luda, no. 48)[1].
28. Rog. de Insula, chanc., *ob.* 1235, dean of York (united with the obit of W. de Tournay, no. 34).
29. Alan de Eborum (11 Apr., *margin*) united with Dean Madynston and P. de Columpna, nos. 30, 23.
30. J. de Maydenston, dean, *ob.* 1275 (with the preceding).
31. W. Thorneton, preb. of Stow longa, *ob.* 1312 (with Aveton and Crakhall, nos. 24, 42).
32. T. de Sutton, ar. North., *ob.* 1316 (with L. Dunwike and Mat. Buckingham, nos. 33, 43).
32*. *Translacio Sc̄i Andree.* (There was a distribution for Canons and Poor Clerks.)
33. Leonard Donewich (Dunwike, Dimyk), united with T. Sutton and M. Buckingham. See 32.
34. W. de Tornaco (Turney) dean, *ob.* apud Parc. Ludæ, 25 June, 1258 (with Roger de Insula, no. 28).
35. Herv. de Luda (with Ro. Lacy and Ri. Rothwell).
36. H. Beningworth, subdean, *ob.* 1318.
37. Ro. Lacy, treas., *ob.* 1317 (with Herv. de Luda and Ri. Rothwell, nos. 35, 45).
38. Simon de Bamburgh, chanc., *ob.* cir. 1281—93.
39. Ri. de Suttun (with Walter Stanrethe, no. 53).
40. J. de Derby[2] (united with R. de Marisco and T. de Perariis, nos. 41, 9).
41. Ro. de Marisco, dean, *ob.* cir. 1263 (see the preceding).

[1] Egidius Rufus, i.e. Giles le Rous (no. 27) archd. of Northampton in Lincoln diocese, died 20 Nov. 1272, holding the prebend of South Newbold in York minster.

[2] J. de Derby, this can hardly be the same as J. Darby, who held the stalls of Stow in Lindsey, Bedford Major and North Kelsey, cir. 1427—56.

42. J. de Crachall, ar. Bedf. *ob.* 1260 (with W. Aveton and W. Thornton, nos. 24, 31).
43. Mat. de Bukingham (with L. Dunwike and T. Sutton, nos. 33, 32).
44. H. de Lexinton Ep. *ob.* 8 Aug. 1258.
45. Ri. de Rowell (Rothwell) with Hervey de Luda and Ro. Lacy, nos. 35, 37.

[The following are from the Book of 1527.]

46. H. Edynstowe, preb. of Thorngate and Carlton Kyme c. Dalby; *ob.* 1351.
47. Ro. Burghersche.
48. T. de Luda, treas., *ob.* Apr. 1329.
49. J. Haryngton, preb. S. Crucis (Spaldwick), *ob.* 1344.
50. Ro. Hayles, ar. Linc., *ob.* 1238. See above, no. 20.
„ W. fil. Fulconis, ar. Stow, cir. 1222—1240.
51. Rob. Rol*ve*ston, dean, see no. 21.
Ri. Stretton, preb. of Thorngate and Sexaginta Solidorum, *ob.* cir. 1313.
Odo Kylkenny, no. 22.
52. H. Cicestr*ie*, chanc., *ob.* cir. 1270—75. See no. 14.
Colswayn ('pater Picoti' ϑ 8 Jan.). Colswegen founded Lincoln-below-hill; see no. 96 below.
53. Walter Stanrethe, treas., *ob.* 1347.
Ri. Sutton, no. 39.
54. Barth. Burgherche, Baron Burghersh, *ob.* 1355.
55. Ri. Ravenser, ar. Linc. *ob.* 1386.
J. Ravenser.
W. Waltham, preb. of Carlton Kyme c. Dalby, *ob.* 1418.
56. Roger Burton, preb. of St Martins, *ob.* cir. 1360.
W. Burton, precentor, *ob.* cir. Dec. 1423.
W. Skelton, treas., *ob.* 11 June 1508.
57. J. Welborne, treas., *ob.* 1381.
58. Nic. Wymbiche (Wymbysshe), preb. of Welton Ryval and Ketton, *ob.* cir. Dec. 1460, ar. Nottingham, canon of York.

59. W. Smithe (Smyth) Ep. *ob.* 2 Jan. 1514.
60. Jo. Russell Ep. *ob.* 30 Dec. 1494.
61. Hugh de Welles Ep. *ob.* 8 Feb. 1235.
62. T. Alford, preb. of Crackpole, and Carlton c. Thurlby, *ob.* 9 Feb. 1486.
63. Gilbert and Juliana [d']Umfravill (of Kyme)? *ob.* 1308. (Sometimes occurs as "Humphreyville.")
64. Henry dux Langcastrie, *ob.* 1362.
65. Ri. Whitwell, preb. of Empingham, *ob.* cir. 1352.
66. J. Crosby, treas. *ob.* 26 Mar. 1477.
67. J. Buckingham, Ep. *ob.* (Cantuariæ) 10 Mar. 1398.
68. Edward III. rex, *ob.* 21 June, 1377.
69. T. *and* Margaret Fitzwilliam, 1479 and 1463.
70. J. Gynwell, Ep. *ob.* 5 Aug. 1362.
71. Ro. Flemmynge, dean, *ob.* 12 Aug. 1483.
Ri. Flemmyng Ep. *ob.* 25 Jan. 1431.

[To these we must add from Grantham's book cir. 1500.]

72. Phillyppi Lepyatt subdecani (*ob.* 1488).

[And from the list of Obitus vinorum de Re et Ve, in the Succentor's Book, 1527.]

73. Hamo decanus, *ob.* 1195.
74. Matildis Regine[1] *ob*? 1 (*al.* 2) May.
75. W. Frisby.
76. Ric. Swaton.
77. Galfr. Kytlynge, dean, *ob.* cir. 1176—1184?
78. Aldelmi decani, *ob.* cir. 1163.
79. Galfr. Mawdlyn.
80. Goslini.

[1] Matilda (wife of King William I.) *ob.* 2 Nov. 1083.
Maude (,, ,, ,, Henry I.) *ob.* 1 May, 1118.
Maud (,, ,, ,, Stephen) *ob.* 10 Sept. 1167.
In the 12th cent. obit list in the Lincoln '*bibliotheca*' the second of these is entered on May 2nd, 'Eodem die & Matildis regina, uxor Henrici regis.' And she apparently attracts the obit of her namesake which is entered at May 3, 'Eodem die & Matildis regina, vxor Stephani regis.'

81. Marchisii de Albania (? Nigel de Albini, *ob.* 26 Nov. cir. 1120).
82. Vmfridi Pigott.
83. Alani Bugden.
84. Galfr. Glentham.
85. Ric. Kyma, treas. *ob.* cir. 1205.
86. J. Harpham.
87. Edwardi Regis I., *ob.* 7 Jul. 1307.
88. Stephani Regis, *ob.* 25 Oct. 1154.
89. Edwardi Regis II., *ob.* 21 Sept. 1327.
90. Galfridi Archiep. [Ebor.]. Geof. Plantagenet died at Grosmont in Normandy 18 Dec. 1212.
91. Rob. Bleuit Ep., *ob.* 9 Jan. 1123?
92. Alexandri Ep., *ob.* 20 Jul. 1147.
93. Henrici Regis I., *ob.* 1 Dec. 1135.
94. Johannis Regis, *ob.* 19 Oct. 1216.

J. de Grantham's list, cir. 1500, contains 19 items.

The Rolls of '*Re* and *Ve*' have been mentioned above (p. ccvi) and some further account of them will be found in *Archæologia* (London), vol. 51, in a paper entitled "*A Kalendar or Directory of Lincoln Use*," and in the "*Tracts of Clement Maydeston*" (Henry Bradshaw Soc. 1894), pp. xiii *n.*, 167—170. A fifteenth century example (from two fragments pieced together) will be found printed as an Appendix to the present work.

They contain, week by week, a list of those obits which were observed at Lincoln and on which allowances under the head of 'wines' or money or 'double feasts' were paid through the Clerk of *Re* et *Ve* to such canons, and sometimes to such Vicars-choral, as had been duly marked as present according to the statutable rules of the *Communa*, or the requirements laid down in the endowment-ordinances of the several obits.

The Rolls are fragmentary; and few years, if any, have the complete set of five remaining: none, in fact, so far as I have discovered, until we come to 1617—18, when, of

course, obits were no longer observed at Lincoln. The earliest fragment in which the month of January is represented is *rotulus* 2 for 1475 (the year *beginning* with the Audit in September, after the Exaltation of the Cross).

After having compared one year's record with another, I find that considerable latitude was allowed for shifting a week's obits, sometimes (if I am not mistaken) from one half year to another, so that little reliance can be placed on these rolls (as compared even with the obit-books which, apparently, had *their* disturbing elements) to give evidence of the exact day on which any person died. To mention only one characteristic of the Rolls:—No obits are entered there between Christmas Day and the Octave of Epiphany; and this we can hardly think to have been due to some happy experience at Lincoln of what Marcellus told Horatio about that season:

> "The nights are wholesome: then no planets strike,
> No fairy takes, nor witch hath power to charm,
> So hallowed, and so gracious, is the time,"—

but rather we must attribute it to the liturgical preoccupation of the holidays. In the twelfth century Obit List, on the other hand, St John's Day, Childermas, and the Octave of Epiphany (among others) have obits marked on them. Leaving therefore our specimen of the Rolls of *Re* and *Ve* in full, to follow in an Appendix, I shall in this place (with a view to avoid needless repetitions) mention only so many names, selected from the rolls, as I find not to have been comprised in our series from the obit books which I have printed just above (pp. ccxliii—viii).

I will number them consecutively as a sort of appendix to that series, though the roll which supplies several of them is of an earlier date than the books.

95. W. fil. Fulconis (18 Feb. *al.* 10 Nov.) [Archd. of Stow cir. 1230]. See no. 50 above; also below, *Chantries*, p. 1.

96. Colswain (21 March). See early Obit List, 8 Jan. p. ccxxxv, and no. 52 above, p. ccxlvi.

97. Ro. de Harderes, *duplex, vinum* (13 July), archd. of Hunts. A.D. 1207.

98. Laurencii, archid. de Bedeford (14 July), cir. 1190.

99. M. Ar Bek / (6 Sept.). Possibly Antony Beek may have been intended. The titular patriarch of Jerusalem and Bp of Durham, who had been canon of Lincoln, and Bp elect there, died in March, 1311; and his kinsman and namesake the Bp of Norwich, who had been Chancellor of Lincoln, died in Dec. 1343. Neither of the Antonies appear among our Archdeacons, but Thomas Beck, brother of the former, and himself a prebendary of Lincoln and in —93 Bp of St David's, had held the Archdeaconries of Dorset and Berks in Sarum diocese cir. 1275—80.

100. Ric. Episcopi London (27 Sept.). Perhaps Ri. de Ely, or FitzNeale, who had been dean of Lincoln 1184—9, and died Bp of London in 1198.

101. W. Rymar (28 Sept.).

„ N. Subdecani (4 Oct.). If Nic. de Hich is intended, see no. 6, at p. ccxliv.

102. Ricardi Grim (5 Oct.).

103. W. Subdecani (20 Oct.).

104. Ric. de Labatayl' (4 Nov.), treasurer, cir. 1280. (Sometimes appears as "De Bello.") See above, p. ccviii, no. 4[a].

„ Matild' regine (13 Nov.), probably Matilda of Flanders, wife of William I. (She died however 2 Nov. 1083.)

„ Henrici cancellarii (15 Nov.). Probably H. de Cicestria, cir. 1270. See no. 14 above, p. ccxliv.

105. H. decani Eboracensis (10 Dec.). Probably Hamo who was dean of York cir. 1206—1214. Or possibly one of the deans Hugh (cir. 1110 or 1132).

106. H. Burghersh, Ep. (11 Dec.). He died at Ghent in 1340. (In the roll of 1475.)

107. W. Episcopi (15 Dec.). Either Walter of Coutances, who died, I suppose, at Rouen, where he became bishop in 1184; or William of Blois, who died in the month of May, 1206. This name is coupled with that of Bp "R. bluet" in the roll of 1279, but disappears in late years.

The Lincoln Chantries.

To complete our survey it is necessary to add a list of the Chantries and Obits which were in existence at Lincoln in the 14th—16th centuries.

Here our sources of information are:

1. The great Chantry Register begun about the year 1330. It has some additions down to 1397, and it consists of a collection of all the charters and deeds relating to every chantry arranged as far as possible under each foundation, in many cases followed by the *Ordinatio* or regulations of the chantry in question.

I propose here to give little more than the list of all the chantries, as far as possible in the order in which they are entered. Only I shall avoid that *repetition* of certain entries which the growth of the original collection involved, and I shall group the secondary and tertiary notices of any chantry by simply noting them in the same place as the first mention of it may occur.

Further, I shall depart from the order of the original in one particular, by taking all the chantries in the Minster Church together, and making a separate section of those other chantries which were founded in certain parish churches in which the Bishop or the Dean and Chapter had some interest (through patronage, or in some other way), sufficient to account for their registration among our muniments at Lincoln[1]. In the original Chantry Register, as it was compiled in the 14th century, city or country chantries were mingled with those in the Minster Church itself. A numbered list of the Minster Chantries will be found at pp. cclxi—cclxiii.

[1] These *exterior* chantries, except such as are included in the returns of 1545—8, must be reserved for our Index.

2. Two orders of the Dean and Chapter, 1 Feb. 1507, and 1 April 1531, though they tell little or nothing about the anniversaries or obits, show how the daily remembrance of those whose souls were commemorated at the several chantries was observed in the 23rd of King Henry VII., and again in the latter part of the 22nd year of King Henry VIII.

Incidentally these will show us what altars also were in use at Lincoln when W. Smyth or J. Longland respectively was Bishop of Lincoln, and while W. Warham was still Primate of all England.

The issue of such time-tables for celebrations was no new invention of the 16th century, for we find Roger de Mortival (who had been Dean of Lincoln) giving orders for Salisbury in their Statutes of 1319 (*cap.* 43) that the stipendiary priests were to celebrate 'continue et successive,' from the mass 'quae ex more in aurora diei celebratur, usque ad missam beatae Virginis.' Thus after the Lady Mass the altars would be free for the vicars (who were bound to finish 'vigilias nocturnas' before that mass) to take their celebrations without interruption. The President of Sarum Chapter arranged the list of masses yearly in the beginning of October (*Sarum Statutes*, p. 73). In a MS. belonging to the Bishop of Salisbury there is a list of their *misse currentes*, 19 in number, issued however in January 1473. The Right Worshipful A. R. Malden has also shown me lists of Feb. 1348, 15 Oct. 1435, and 20 Sept. 1468, which give orders for from 5 to 12 intermediate masses to be said at Salisbury.

3. Having suppressed the monasteries in 1536—9, Henry VIII. made plans for seizing the endowments of the Chantries. So long before as 1529 the founding of fresh stipends 'to sing for souls' after that Michaelmas had been forbidden, though not apparently with such absolute success as to stop all fresh endowments of the kind[1]. However, in 1540 a survey of *all* ecclesiastical possessions was ordered, and the result came to hand in the *Valor*

[1] See W. Page, *Yorkshire Chantries*, Surtees Soc., vol. 91, p. x *n.* 1895.

Ecclesiasticus in June 1541, relating chiefly to cathedral and parish churches. In Nov. 1545 an act was passed for surveying chantries, and for checking such alienations of their property as an expectation of the coming raids had naturally promoted. And King Henry's commissioners were appointed 14 Feb. 1545—6.

In 1546—7 (Jan. 28) King Henry died, but the project still went on, and on Dec. 14, 1547, the bill for giving the remaining chantries to King Edward VI. was read the fourth time in the House of Lords, Cranmer voting in the minority with the popish Bishops, because he had some hope of keeping the revenues for something more nearly approaching the religious purposes of their foundation than those ends which in the great proportion they were destined to fulfil. A survey of chantries and chapels was then ordered, and (13 Feb. 1548) a Royal Commission was appointed to report by the last day of May. In June and July commissioners in Yorkshire were deciding what grammar schools were required, and on Aug. 11, 1548, a further return was made[1].

For Lincoln Chantries at this period, just on the eve of their dissolution, we have the following records:

The charred and mended fragment of a MS. of 186 leaves, which once belonged to W. Cecil Lord Burleigh, and was written (as I infer from the age of the incumbents of the chantries) in 1545. It is among the Cottonian MSS. in the British Museum (*Tiberius* E. III.).

A similar, but not identical, return (of the same year) in the Record Office (Augmentation Office, Chantry Certificate no. 33, 10 Aug. 1545) shows that so far as the Minster itself is concerned the Cottonian fragment is virtually complete. I shall make some use of both these documents. The facts which they record are the same, but they are in a manner independent: possibly the notes of two different clerks or commissioners.

[1] See *Somerset Chantries* (Survey and Rental of Colleges, Lamps, Gilds, Obits, &c., 1548) edited by Emanuel Green, 1888; *Yorkshire Chantry Surveys* (1546 and 1548) edited by W. Page, 2 vols., 1894–5.

Thirdly, we have in the Index to the 45th Report (Appendix, p. 45) of the Deputy Keeper of Public Records, a list of Lincoln Chantries among *Duchy of Lancaster Documents* (Min. Acc. for 1547—49). This list is, I think, supplementary to the other, and I suppose that the two lists represent two sets of chantries (and some obits) suppressed at two different visitations.

To these we may add as practically repetitions of the same particulars of the Reformation Settlement, though transcribed from generation to generation with growing clerical errors, certain Duchy of Lancaster receipts of the time of King George III. These survive among the Chapter muniments.

It will be best to begin with the two lists of chantries as they were reported at the two commissions for their reform or dissolution.

"Redditus et Valor omnium terrarum ac possessionum ad cantarias, gildas, et collegia, in comitatu Lincolniensi spectantium."

In this heading Gilds are mentioned as well as Chantries.

From the information edited by Miss Lucy Toulmin Smith, supplemented by later research among wills and civic muniments, the following list of GILDS AT LINCOLN may be gathered.

Gild of St Anne, commonly called the *Great Gild*, in the parish church of St Andrew (*Chantry Certif.* 1545), or, as Leland says, the church of St Anne. Mentioned 1487. Every man and woman in Lincoln, so far as might be, was to join as brother or sister and to pay at least 4 *d.* for man and wife (1519). Pageants or 'Sights' of St Anne's Gild are mentioned in 1514, 1517, 1521, &c., 1555, 1568 (Mar. 5).

Gild of St Benedict, in honour of God Almighty, and of the Blessed Virgin Mary and our Lord Jesus Christ.

Gild of St Christopher. Mentioned 1392, 1416.

Gild of St Clement, the *Bakers' Gild.* Charter, 28 May, 1523.

Gild of the Clerks of Lincoln. Mentioned 1381, 1407, 1487, 1492,1540. Stock and plate lately belonging thereto, 13 Feb. 1549.

Gild of Corpus Christi, in St Michael's on the Hill. Founded (for folk of middling rank) Easter Eve, 1350. Mentioned 1380, 1394, 1401, 1530.

Gild of the Fullers of Lincoln. Founded Sunday, 28 Apr. 1297. Ordinances sealed 5 Sept. 1337.

Gild of St George. Mentioned 1530, 1540.

Gild of St Luke for the *Painters, Gilders, Stainers and Alabaster men of Lincoln.* Founded 1525.

Great Gild of our Lady St Mary, Lincoln, founded in Wykford. Mentioned 1381, 1394, 1413.

Is this the same as the 'Great Gild of St Anne'? Probably not, as Ro. Huddelston's will 1487 mentions '*magnam gildam Lincoln.*,' and '*gildam S. Anne.*' The gildhall, commonly known as 'John of Gaunt's Stables,' was built in the middle of the 12th century. See Venables, *Walks through Lincoln*, pp. 32, 50, 51. Plate belonging to the Great Gild was given over to the Commons of the City of Lincoln, 22 Nov. 1538. And the lands 14 Nov. 1545.

Gild of St Nicholas in the parish of St John Evang. in Wykford. Mentioned 1381.

Gild of the Resurrection of our Lord, in St Martin's Church. Founded Easter 1374. Mentioned 1526.

The *Shoemakers' Hall*, put to the north ward, 18 Feb. 1549.

Gild of the Tailors of Lincoln. Founded 1328. Brethren and sisters to join in Corpus Christi procession.

'*Gilda tegulatorum*,' *Gild of the Tylers or Poyntours of Lincoln.* Founded 1346. Gave ale to the poor at Corpus Christi.

I have given an account of *Tib.* E. 3, so far as it concerns Lincoln Minster in Mr Gibbons' *Northern Genealogist* (Sampson, York, 1895), no. iii. pp. 152—5.

I will here, therefore, give a brief summary of the other contemporary return, which is preserved in the Record Office.

The title is

"Certificacio Commissariorum dñi Regis assignat' pro supervisione omnium Collegiorum, Cantariarum, guild, fraternitat' &c. tam infra Coñ Lincoln quam infra Coñ Civitatis Lincoln et ecclesiam cathedralem ibidem prout hoc libro inferius patet." This certificate consists of 27 large membranes. It is of course largely concerned with chantries in other parts of Lincolnshire and concludes with no. 146, Boston, Corpus Christi Guild, and is signed "Edward Saunders, Laurence Eresbie, Dat. 10 Aug. a° 37° Hen. VIII." [1545].

Augm. Office; Chantry Certif. 33, A.D. 1545.

1. [Roger] Tatersall Chauntre in St Benet's Church, Lincoln.

2. (Robert) Dalderbye Chantry, for ij chaplains in St Benet's. [See *Hist. MSS. Report* 14, App. viii. pp. 28, 31, 43.]

3. (Alexander) Fitzmartyn Chantry, in St Laurence's Church, Lincoln. [See *Hist. MSS. Report* 14, App. viii. pp. 24, 27, 43. Augmented in 1523 from E. Browne's bequest, *ibid.* p. 30.]

4. Blyton Chantree in St Margaret's parish, Lincoln.

5. Gilda Sancte Anne in civitate [Lincoln.] predicta vocata le great guilde, in ecclesia Sancti Andree.

[Lands and tenements of 'the late gild of St Anne' were granted to Sir J. Thynne and T. Throgmorton by King Edward, 19 May, 1549, and by them sold to J. Broxholme and T. Burton. A moiety sold to the Mayor and Commonalty of Lincoln, 17 Mar. 1554. *Hist. MSS.* 14*th Report*, App. viii. pp. 16, 42. For St Anne's pageants or sights, see *ibid.* pp. 25—48.]

6. Sustentacio obitus luminum et lampadis infra ecclesias civitatis.

7. [Cantarie in Eccl. Cathedr. Linc.]

a. Cantaria vocata Burghershe Chauntree in ecclesia

predicta. [The obit days, King Edward III., 2 Jan., Rob. Burghersh, 26 Jan., H. Burghersh, 13 Dec., and Barth. Burghersh, 27 July.] "Memorandum that vj *l.* xiiij *s.* iiij *d.* is hollie due vnto the Kings Ma^tie^ for the 4th obit holden the 27th of Julie for this yere whereof 4 *l.* 3 *s.* 4 *d.* hath ben yearly distributed to a thousand pore people within the said Citie that is to euery one of them 1 *d.*" The incumbents here were Tho. Chamberlayne, aged 56; H. Norton, 66; Nich. Onsworth, 52; J. Banks, 40; and Ric. Bedforth, 46. The last is described as 'satis idoneus,' but the other three minime idonei to serve a cure as parish priest.

b. [Jo.] Buckingham chauntrie, cum obitu suo (25 June). Two chaplains at the altar of St Hugh and St Katharine, Tho. Palfreman, æt. 65, 'minime idoneus.'

c. [Nic. and Joan] Cantilupes chauntre. Two chaplains at the altar of St Nicholas. Tho. Taillor, æt. 38, having a benefice of 6 *l.* 'ad sumendum curam idoneus.' Tho. Powell, æt. 35, idoneus.

d. [Ric.] Stretton et [W.] Wolfe Chauntre, at St Katharine's altar. T. Wells, incumbent, æt. 68, minime idoneus.

e. [H.] Edenstow in capella beate Marie infra ecclesiam. W. Thirleby, æt. 59, minime idoneus.

f. [Rob.] Flemmynges in capella Sancte et individue Trinitatis. Obit 18 Aug. Incumbents, Jac. Ewill, æt. 68, and Leonard Calvard, æt. 43, satis idonei[1].

g. [J.] Russell in capella Sti Blasij, cum Obitu Edwardi Regis IV. Obit 31 Januar. Goods, 'duos lez basons, vn*um* le pax, ij lez cruetts et vnam campan*am*. Memorandum that 3 *l.* 6 *s.* 8 *d.*, parcell of ... 10 *l.* is yerely distributed at the said obit. So y^t^ the preste perceyveth yerely for his salarie but only 6 *l.* 13 *s.* 4 *d.* Which

[1] At the Fleming Chantry (7 f.) in Holy Trinity Chapel both the following were commemorated:

Richard Fleming, bishop of Lincoln, who died at Sleaford 25 Jan. 1430—31.

Robert Fleming, dean of Lincoln, who died 12 Aug. 1483.

3 *l.* 6 *s.* 8 *d.* was distributed in the quere and nothing to the pore.' Incumbent Ric. Harison, æt. 63, minime idoneus.

h. [Simon] Barton, [W.] Gare, et [W.] Thornton chaunterie ad altare sc̃i Johannis baptiste. Incumbent, Tho. Lounde, æt. 44, vicarius choralis, ad sumendum curam minime idoneus.

8. Cantaria vocata [W. de] Thornaco chauntrie ad altare beate Marie. Incumbent, W. Donnell, æt. 26, vicar, minime idoneus.

9. [Gilbert] Humfrayvile Chauntrie. Incumbent, Humfrey Britten, æt. 30, vicar, minime idoneus.

[This chantry had no jewels or ornaments at the time of this return.]

10. Cantaria vocata King Edward [the Second's] Chauntrie, ad altare beate Marie. Incumbent, Tho. Flower, vicar, minime idoneus.

[This likewise had no goods or chattels.]

11. Redditus et possessiones concess' per Thomam Fitzwilliam Ar*migerum* pro observacione obitus sui in ecclesia predicta 7° die Augusti annuatim imperpetuum[1].

12. Stipendium vnius Capellani celebrantis in Edenham in partibus Kesteven in comit. Lincoln vocati a Secundarie...&c. &c.

In 1550, Mar. 10, the Court of Augmentations demanded as rent from the following chantries:

Tatteshall	2 *s.* 0 *d.*	Burghersh	60 *s.*
Dalderby	4 *l.* 0 *s.* 4 *d.*	King Edward's	40 *s.*
Fitzmartin	4 *l.* 0 *s.* 4 *d.*	(*Hist. MSS. Commission*, Report 14, App. viii., p. 43.)	
Cantilupe	4 *s.* 0 *d.*		
Flemyng, and Gild of St Anne	4 *l.* 13 *s.* 4 *d.*		

The later list of Lincoln Minster Chantries, returned at the beginning of K. Edward VI.th's reign, among Duchy of Lancaster documents, runs as follows:

[1] Browne Willis tells us that the obit of T. Fitzwilliam was celebrated at St Nicholas' altar. (*Survey*, 1742, ii. p. 34.)

1—4 W. Aveton, Godfrey Pollarde, Godfrey Mawdlin, and W. Hemmyngburgh.

5—7 J. Wyddyngton, W. Laxington, and Nic. Hytche.

8, 9 H. Benyngworth, and Ri. Faldingworth.

10, 11 W. Fulke, and Pet. de Hungarde (? Hungaria).

12 Hugh Welles, Bp.

13 W. Smyth, Bp.

14 Katharine, Countess of Westmoreland.

15 Ri. Whytwell[1].

16 Tho. Alforde, formerly canon.

17 Hugh Walmesforde.

18 Agnes Cause, widow[2].

19 Worke chantry.

20 Another Worke Chauntery.

21—23 Roger Benyson (fitz benedict), Julian[a, or Gillian] his wife, and Gilbert de Kanc*ia*.

24—26 Ro. Lacy, Ri. Rothwell, and Harvy de Luda.

27, 28 Ri. Ravenser, and W. Waltham.

29—31 Oliver Sutton (Bp), Ant. Goldesmyth (Goldesburgh), Walter Stanrith.

32 Ro. Lacy.

33 H. Lexington, Bp.

34 J. Gunwell, Bp[3].

[1] There once had been three Whitwell chantries at Lincoln besides one at Whitwell.

[2] The chantry of W. Cause knight is mentioned in the *Lincoln City Register*, f. 249^b, 1 July, 1535.

[3] J. Gunwell, Synwell†, Kynwell, Gindwell, Genevile, or Gynewell, preb. of Sarum, and archd. of Northants, was Bp of Lincoln, 1347—

It will be observed that this list bears a rather close affinity to the list of chantries given among Bp Alnwick's visitation records (see pp. 439—441) as having been united by Bp Phil. de Repyndon (cir. 1405—19).

That list however contains a few additional items, the names of some other chantries which perhaps before the time of K. Henry VIII. had worked themselves out or had been suppressed.

35, 36 {J. de Dalderby, Bp, in the Minster. / ditto in Dalderby parish church.

— {Ri. Stretton / W. Vlfe (Wolffe, or Fitzulf)}. See 33. 7*c*.

37 W. Rufus phisicus, coupled with Kancia, see no. 23.

38, 39 {J. Barton / J. Claypole}

— {Simon Barton / W. de la Gare / W. Thornton}, 2 chaplains celebrating alternately the Lady Mass at St John Bapt. altar. See 33. 7*h*.

40 W. Wynchecumbe, coupled with P. de Hungaria, see no. 11.

— Nic. de Cantilupe. See 33. 7*c*.

In the Lincoln Chapter Muniment-Room, D. ii. 52, box 1, there are several Duchy of Lancaster accounts, relating to Rents for Suppressed Chantries and 'Obiit-Rents' or 'Crown Rents,' cir. 1798—1816.

Mr Wickenden's reference tables name the following (for which I have added, where possible, the reference numbers to our other chantry lists preceding). The single numerals in this instance refer to the Duchy of Lancaster list (see page cclix above); but where '33' is involved, the letter or numeral following refers to some section in 'Chantry Certificate no. 33' of the year 1545, from which we have given those items which concern Lincoln Minster itself on pp. cclvi—cclviii, above.

5 Aug. 1362. He held Gevendale stall in York Minster in 1346—7. As he owed his preferment to the Pope, he may probably have been connected with J. de Gineswell, a *Roman Cardinal*, archd. of Richmond 1346—9.

(i) *Chantry of*

Alford, T., 16.
Cause, Agnes, 18.
Lacy, Ro., 24.
Normanby.
Ravenser, Ri., 27.
Sutton, Oliver, 29.
Walmesford, 17.
Withorne (? Welborn).
Wyddyngton, 5.
Works, 19.
ditto, 20.

(ii) *Chantry of*

Burton.
Barton and Gare, 33. *h.*
Dalderby (? Ro.), 33. 2.
Fitzwilliam, 33. 11.
Stretton and Wolff, 33. *d.*
Thornaco, 33. 8.
Welbourne.
St Paul's Parish.
Priory (A.D. 1801).
Close Chantry.
Edinstowe.

(iii)

Fitzmartin, 33. 3.
Lincoln City, 33. 6.
Russell, 33. *g.*
Vines Close.
Wellingore Rectory.
Shelford.
Shelford Monastery.
Nettleham.

The Lincoln Chantry Register.

The great Lincoln Chantry-Book, '*Liber de Ordinationibus Cantariarum*' (A. 1. 8) begins with a list ('*kalendarium*') of 55 chantries, many of which were founded in the Minster itself, the remainder being in the patronage or management of the Dean and Chapter, or in some cases in the Bishop's collation. It consists of 404 leaves of parchment. The principal handwriting in this register, as it was originally compiled, has been identified by Bradshaw as that of the scribe of the second portion of the Black Book, about 1330. (See *Liber Niger*, pp. 88, 120.)

The Minster Chantries mentioned up and down the book, usually with a considerable mass of documents and an *Ordinatio* concerning them, are as follows:

	Chantry.	Altar or Chapel.
1	K. Edward II. and Isabella[1].	Jo. Bapt. ('altare B. Marie' *Cotton MS.* Tib. E. 3).
2	Hugh de Welles, Bp.	B. Hugonis.

[1] The chantry of Queen Eleanor ('Alienora'), at 'Herdeby' in Clifton prebend, follows here between the Minster prebends no. 1 and no. 2.

	Chantry.	Altar or Chapel.
3	H. de Lexington, Bp.	Jo. Bapt.
4	Oliver de Sutton, Bp.	
5	J. de Dalderby, Bp.	B. Jo. Evang.
6	W. de Tornaco.	'ubi missa de B. Maria celebratur dum pulsatur prima.' ('ad altare beate Marie' *Cotton MS.* Tib. E. 3.)
7 *a*	Simon de Barton.	'in pulsacione prime.' ('ad altare beate Marie.' *Cotton MS.* Tib. E. 3.)
7 *b*	Hugh de Normanton.	[endowed Deacon and Subdeacon for the same.]
8	Nic. de Hiche.	S. Andree.
9	W. de Hemingburgh.	
10	J. de Widington.	
11	W. de Aveton.	
12	W. fil. Fulconis.	S. Dionysii.
13	Pet. de Hungaria.	S. Nicholai.
14, 15	W. de Thorenton, W. de la Gare	B. Thome Martyris. ('Jo. Bapt.' with Barton, *Cotton MS.* Tib. E. 3.)
16, 17	H. de Benyngworth.	B. Jo. Evang.
18, 19, 20	Ro. de Lascy, Ri. de Rowell, Hervey de Luda	B. Marie Magdalene, ad caput occidentale ecclesie ex parte boriali 'ubi celebrari consueuit missa de B. V. hora prima pro his animabus.'
21	W. de Lexington, dean.	S. Michaelis.
22	W. de Winchecumbe.	S. Jo. Bapt.
23	W. Ruffus physicus.	S. Jo. Evang.
24	*Episcoporum Defunctorum.*	S. Petri.
25, 26	Ric. de Faldingworth.	S. Egidii.

	Chantry.	Altar or Chapel.
27	Galfr. de Magdalena.	
28	W. fil. Ulf.	S. Katerine.
29	Gilb. de Kancia.	S. Thome Martyris.
30	*Fratres et Sorores canonicorum.*	
31	Galfr. Pollard.	
32	H. de Mammesfeld	capella S. Jo. Bapt.
33—35	Nic. and Joan Cantilupe.	S. Nicholai. (*Cotton MS.* Tib. E. 3.)
36, 37	Barth. H. and Rob. Burghersh.	capella B. Katerine.
38, 39	Hugh de Walmisford	altare B. Egidii.
40—42	Ri. Whittewell.	S. Stephani.
43, 44	J. Buckyngham, Bp.	alt. S. Hugonis et Katerine. (*Cotton MS.* Tib. E. 3.)
45	Walter de Stanreth.	S. Andree.
46, 47	J. Gynwell, Bp.	B. Marie Magdalene.
48	Ri. Stretton.	[with W. Wolfe (see no. 28). *Cotton MS.* Tib. E. 3.]
49	Hervey Beek.	B. Katerine.
50, 51	J. Buckingham, Bp.	

With his usual generosity Mr Maddison has answered an enquiry which I made concerning a list or time-table of masses drawn up 1 Apr. 1531 in the time of Bp Longland, from which he has given the particulars in his *Vicars Choral* (1878) pp. 40—43, by sending me an earlier document of the same character from the Lincoln Chapter Acts (A. 3. 2), 23° Hen. VII., in the episcopate of W. Smyth.

1 IN primis[1], post primam missam ad altare St Georgij 1 Feb.
2 celebratam, celebret unus de cantaria de Burghershe 1506-7.
3 ad altare Ste Katerine, et dominus Robertus Castell ante sextam.

4 In hora sexta, unus capellanorum fabrice ad altare

[1] The Chapter Act of 1 Apr. 1531 (*Ordinationes facte pro celebracione missarum*) begins: 'In primis, videlicet hora quinta signata et abhinc vsque ad sextam' &c. &c.

5 Ste Anne; et dominus Johannes Maltby ad altare Sti Andree[1]; et ad altare Ste Marie Magdalene dominus
6 Thomas Marchall vell† dominus Ricardus Catlyn.
7 Inter sextam et septimam, magister Robertus Newton[2] ad altare Sti Johannis; dominus Rogerus Lanton
8 ad altare Sti Egidii *aut* dominus Thomas Werall.
9 In hora septima, dom. Iohannes Rysyng[3] apud
10 peleauter; dom. Johannes Oldham ad altare Sti Ste-
11 phani; dom. Hugo Sampson ad altare Sti Hugonis; et
12 dom. Thomas Tympan ad altare Ste Katerine.
13 Inter septimam et octavam, dom. Thomas Wryght[4] et *aut*† dom. Johannes Grene in capella Sti Nicholai;
14 dom. Robertus Obrey *aut* dom. Ricardus Awney in
15 capella domini Flemmyng Episcopi; dom. Willielmus Gaske aut dom. Johannes Lambard ad altare Sti Johannis Euangeliste.
16 In hora octaua, dom. Thomas Parne *aut* dom. Thomas Couerdaile. In le Irons; dom. Ricardus Compton *aut*
17 dom. Robertus Edmundeson in capella Sti Egidii.
18—30 Inter octauam et nouenam[5], omnes vicarii, et
31 dom. Thomas Gaskell ad altare Sti Christoferi[6]. In

[1] In the time-table of 1 April, 1531 (A. 1. 3. 5, lf. 110; *Ordinationes facte pro Celebracione missarum*) no mention is made of St Andrew's altar for any celebration by a chaplain non-vicar. (Who was J. Maltby who is stated to have celebrated here in 1506, and what was the special object or intention of the service for which he was then responsible?)

[2] Rob. Newton who celebrates at St John's altar was I believe Custos altaris S. Petri about 1506. He died 8 June, ? 1508.

[3] J. Kysing (? Rysing) who celebrated at Pele altar was Succentor in 1484. He died in 1517, 6 Oct. Chaplain of Hugh de Welles' chantry.

[4] T. Wright who celebrated in St Nicholas' chapel (possibly as a Cantilupe Chaplain?) was Sacrist, 1498. He died in 1517.

[5] In 1531 besides the vicars' celebrations and the Ravenser chaplains at the altar of St Giles, that of Wolffe's chantry ('fitz Ulf') and the second Flemyng chaplain in Holy Trinity chapel, there was a W. Caux chantry mass at St Michael's altar, and Bp Smyth's at St Sebastian's which had not been founded till 1514.

[6] In 1531, between 9—10, after the mass of Alford's chantry at St Christopher's altar, there was one for T. Whitwell's soul at St Stephen's altar, one for Colynson and Chedworth in the (newly built) Trinity chapel, and a mass for H. de Edenstowe at the altar 'where the mass of the B. V. Mary is celebrated.'

32 hora nouena, dom. Willielmus Leys ad altare Ste Katerine.

33 Inter nouenam et decimam, dom. Matheus Blakborn ad altare Sti Georgii[1].

34 Inter decimam et vndecimam, vnus Capellanorum Fabrice ad altare Ste Anne[2].

35 post euangelium magne misse, vnus capellanorum
36 cantarie de Burghershe ad altare Ste Katerine.

Supposing that 13 Vicars celebrated at the altars which were left vacant for them by the other chantry-priests or chaplains between 8 and 9 a.m. we shall have, counting the 'missa prima' or morrow mass, and the mass of the B. V. Mary while the bell rings to Prime, and the Chapter Mass, a total of 38 masses in 1506 and of 44 masses in 1531. The Chapter Mass however is not specified in either of these orders, and the Lady Mass also is passed over in 1507.

The founding of Bp Smyth's chantry at St Sebastian's altar in 1514 accounts for one of the additional masses in 1531 (the 30th in that set). It is not impossible that under the regulation of 1507 a larger total than 36 or 37 was contemplated, for in four instances, nos. 6, 8, 13, 14, which I take to refer to the Gynwell, Cantilupe, Ravenser, and Fleming chantries, there were more chaplains than one. See nos. 4, 12; 10, 13; 28, 32; 11, 33, 37, in the table annexed.

The Time-Table of the Lincoln Masses under the Order of 1 Apr. 1531 as given in Maddison's *Vicars Choral*, pp. 40—43, may be thus summarised.

	ALTAR.	MASS OR CHANTRY.
5 a.m. to 6.		
1.	St George	Works chantry priest I.
2.	St Katharine	Burghersh chantry priest I.
3.	St Anne	Works chantry priest II.

[1] There is no mention of this altar (of St George) in 1531, except for the 'first' or morrow mass before 6 a.m.

[2] There was another mass, at the altar of St Giles, for Ri. de Faldingworth's chantry, between 10 and 11 in 1531.

ALTAR.		MASS OR CHANTRY.	
6 a.m. to 7.			
4.	St Mary Magd.	Gynwell chantry I.	
5.	St John Evang.	H. de Lexington (Bp) I.	
6.	St George	J. Crosby's chantry.	
7.	St Giles	Hugh de Walmesford I.	
8.	St Hugh	J. Bokingham chantry.	
7 a.m. to 8.			
9.	Peel altar	Hugh de Wells (Bp) I.	
10.	St Nicholas	Cantilupe chantry I.	
11.	Holy Trinity	Fleming chantry I.	
12.	St Mary Magd.	Gynwell chantry II.	
13.	St Nicholas	Cantilupe chantry II.	
14.	lez Irons	Kath. Swynford I.	
8 a.m. to 9.			
15.	B. Mary	Edward II. & Isabella	Vicars' Chantries.
16.	[Lady Mass altar]	W. de Tornaco	
17.	[St Andrew]	Aveton chantry	
18.	St John Evang.	Beningworth I.	
19.	„	Beningworth II.	
20.	? ?	R. & J. Lacy	
21—23.	[St Mary Magd.]	Lacy, Rowell & de Luda	
24.	St John Bapt.	W. de Winchecumbe	
25.	St Thomas M.	Gilb. de Kancia	
26.	[St Andrew][1]	Galfr. Pollard	
27.	St Hugh	Hugh de Wells II.	
28.	St Giles	Ri. Ravenser I.	
29.	St Michael	W. Caux.	
30.	St Sebastian	W. Smyth (Bp).	
31.	St Katharine	W. Wolffe ('fitz Ulf').	
32.	St Giles	Ri. Ravenser II.	
33.	Holy Trinity	Ri. Fleming. (Cp. no. 11.)	
9 a.m. to 10.			
34.	St Christopher	T. Alford.	
35.	St John Evang.	Henry de Lexington (Bp) II.	

[1] St *Andrew's* altar (no. 26): Geoffrey Pollard's chantry (with Aveton's) is placed here in the *computus* of this same year (1531). In 1420, however, the two chantries in question had been situated at St *Michael's*.

	ALTAR.	MASS OR CHANTRY.
36.	St Stephen	T. Whitwell[1].
37.	Holy Trinity	Colynson and Chedworth.
38.	The Lady Mass Altar	Mass of B. V. Mary.
39.	„ „ „ „	H. de Edenstow.
10 a.m. to 11.		
40.	St Anne	Works chantry priest III.
41.	St Giles	Ri. de Faldingworth.
42.	The High Altar	'Great' (or High) Mass.
43.	St Katharine	Burghersh chantry priest II.

The names of the altars here mentioned may be given in alphabetical order with references to the Masses (by numerals) in 1507, and 1531.

ALTAR	1507	1531
Andrew	5, ? 20, ? 29	? 17, ? 26
Anne	4, 34	3, 40
Christopher	31	34
George	1, 33	1, 6
Giles	8, 17	7, 28, 32, 41
Hugh	11, 30	8, 27
lez Irons	16	14
John Baptist	27	24
John, Evangelist	7, 15, 21, 22	5, 18, 19, 35
Katharine	2, 12, 32, 36	2, 31, 43
Lady Mass	19	16, 38, 39
Mary	18	15
Mary Magdalene	6, 24, 25, 26	4, 12, 21, 22, 23
Michael	—	29
Nicholas	13	10, 13
le Peal	9	9
Peter	— [cf. 3.]	—
Sebastian	—	30
Stephen	10	36
Thomas, Martyr	28	25
H. Trinity	14	11, 33, 37
High Altar	35	42
doubtful	3, 23	20

It will be observed in the foregoing index that nothing has been said in the time-tables of 1507 and 1531 as to any altar of these titles following:

[1] Whitwell's Chaplain (no. 36), 'at the altar of St Stephen protomartyr,' prayed also for the souls of K. Edward III. (†21 June, 1377), Simon de Islip, abp (†26 Apr. 1366), J. de Welborne treasurer of Lincoln (†Apr. 1381), lady Joan de Cantilupe, and many others. *Chantry Register*, lf. 368.

St James, which was mentioned in the Chapter Act of 25 Nov. 1441 (see below, p. 480) and which was possibly in St Mary's Tower at the north-west.

Holy Rood, or altar of St Cross, which may have stood on the choir screen. An altar with this title appears to have existed in the time of Matthew Paris, cir. 1250, who says that Remigius the founder was buried before it.

St Dionis, or Denys (probably in the great north transept), where the fitz Fulc chantry is placed in the Chantry Register, lf. 2[a], 19[b], and in a deed of Apr. 1221, lf. 181[a]. Also, in 1420, dean W. Lexington's chantry (with Wydington and Hyche), which however in 1500 is at St Andrew's.

St Blaise, in the then comparatively recent chantry chapel of Bp Russell, who died 30 Dec. 1494, and where also the obit of K. Edward IV. (*d.* 9 Apr. 1483) was kept. I cannot account for this omission. (It is mentioned in MS. Cotton. Tiberius E. 3. § 33, 7 *g*. See p. cclvii, above.)

St Guthlac's altar, mentioned in *Registrum Antiquissimum*, where St Anne's was *not*, in all probability had been supplanted by the *cultus* of the mother of the B. Virgin Mary.

St Lucy, whose altar was mentioned incidentally in an old roll of accounts in 1294, and, so far as I have observed, nowhere else in Lincoln records.

St Peter's altar I have thought it right to include by name. I have done so because it is abundantly evident that 'keepers' or 'clerks' were appointed to that altar in the 16th century. In the *Liber Cantariarum*, lf. 4[b], it is specially mentioned as 'cantaria *pro animabus* [*N.*] *Episcoporum defunctorum*, ordinata *ad altare beati Petri* in ecclesia Lincoln, de vno Capellano preficiendo per [*N.*] Decanum.' And on lf. 217 a later addition gives the ordinance of this 'chantry of the keeper of St Peter's altar,' 26 June 1484, at the time when J. Waltham's death created a vacancy. I feel no hesitation in saying that the reason why this mass is not noted in the time-tables is, that it was nothing more nor less than the *Missa in Capitulo*, or daily mass for the Chapter as a religious family of brethren, to which they adjourned after Prime and Chapter business, concerning which so much has been said and

written. To meet a possible objection, I may add that though 'Mass at the High Altar' is included in our summary and index here, it is not one of those *prescribed* in the original lists themselves. Like Chapter Mass the celebration of High Mass is *assumed;* only its Gospel happens to be casually mentioned, just to mark the time for one of the Burghersh chaplains to begin his chantry mass.

We may add from a Chapter Act of 1457, noticed by Mr Maddison, that Dean Macworth's Chantry was established 'in capella S. Georgii.' It does not however appear to have been kept up for any great length of time.

According to one of the chantry certificates, Bp Bokyngham's mass was kept at St Katharine's altar. See p. cclvii.

I find no mention of any altar of St Edward in such documents as have come under my own notice.

Concerning the documents in the last division of this work I have few observations to offer to the Reader.

Some portions speak for themselves: others have received sufficient comment already from the pen of Henry Bradshaw in his "Memorandums" prefixed to the "Black Book" which appeared in 1892: others again are furnished with notes or introductory paragraphs as they occur in the body of the present book.

Statutum de Concionatoribus.

At Lincoln we have always supposed that this statute (*Qui honorifico* &c. pp. 630, 631), confirmed by Bp Sanderson at his manor of Buckden 7 Nov. 1662, was the composition of that prelate whose memory we revere so highly. It is however to be found almost word for word, only with a difference in the amount to be paid by a prebendary missing his preaching-turn, at an earlier date among the Statutes of Salisbury Cathedral Church. It appears in the edition of Dayman and Jones (pp. 125—6) as cap. vi, among a set of "Statutes of Bishop Davenant,

first promulgated cir. 1630, and confirmed, with certain modifications, by Bishop Henchman in 1661."

A transcript of the Statute in question is found also among the MS. collections in the Archbishop's Library at Lambeth[1].

Visitation Articles.

The 'additional article' of 1664, by which an enquiry was made at Lincoln as to the use or disuse of copes after the Restoration, deserves to be illustrated by a passage which I had overlooked among my Father's writings. Bp Wordsworth said at his Visitation of the Chapter in 1876:—

"The 'Articles of Visitation'...were issued in this Chapter House by Bishop William Barlow in the year 1611, seven years after the promulgation of the present Code of Canons of the Church of England. They illustrate the 24th Canon of that Code, which bears the following title:—'Copes to be worn in Cathedral Churches by those that administer the Communion.' You will remember that the Purchas Judgment of February 23, 1871, laid stress on that Canon; and in compliance with that Judgment I have worn a Cope since that date[2].

[1] Bibl. Lambeth., *cod.* 952, *art.* 26, "*De annuis Prebendariorum Concionibus in Ecclesia Lincoln.*"

[2] Bp Chr. Wordsworth, upon the delivery of the 'Purchas Judgment' wore when celebrating the Eucharist in Lincoln Cathedral Church the scarlet cope of a Cambridge Doctor of Divinity: it has a wide hood or tippet of ermine and was worn by the Bishop's Father as Vice-Chancellor of the University in 1820 and 1826. Though such academical copes are now open in front (like the ordinary ecclesiastical or processional copes), they were originally *cappae clausae*, as may be seen in 16th cent. portraits at Peterhouse, designs in Loggan and elsewhere. Thus the ermine in the 'congregation habit' in question was not continued downward to the hem of the dress (as in a coloured illustration in *Gradus ad Cantabrigiam* ed. 1824 at p. 94), but only to the waist, where in the older pattern of the 16th—17th cent. there was an opening for the hands to come through. See my *University Social Life in the 18th Cent.* pp. 538—542. The late Bp Suffragan of Nottingham, Dr E. Trollope, F.S.A., afterwards presented for use in the Minster a crimson velvet cope of the usual pattern, the Rev. Basil Beridge, preb. of Leighton Ecclesia, being donor

"The 21st of Bp Barlow's Articles of Enquiry is as follows:—'Are there Copes in the Church for him who doth celebrate the Communion, and for them also who do assist him?'

"This Article, being contemporaneous with the Canon, may be supposed to be a true exposition of its meaning." *Diocesan Addresses* by Chr. Wordsworth, D.D., no. vii. (In the Chapter House, Lincoln, 17th Oct. 1876), pp. 114, 115.

Visitation at Truro, June 1896.

Since the text of this book has been in the press the Bishop of Truro has been holding his Primary Visitation.

Chancellor Worlledge, to whom I am indebted for some corrections of my account of the (Draft) Statutes of that Cathedral Church, has kindly sent me specimens of printed documents connected with the proceedings on that occasion.

The 'Articles of Inquiry' occupy four leaves folio, with a broad space in the margin allowing for the entry of *Answers*. These might be returned severally to the Bishop at Trenython, by those persons to whom they were addressed, on or before Monday, May 11th. But a general schedule of answers was required to be formally exhibited on June 2nd.

The Questions (based on Articles of Inquiry used at Lincoln about 20 years ago, and at Salisbury more recently) were as follows:

21 *Apr.* 1896.

1. Do the members of the Capitular Foundation correspond to those named in the 'Draft Statutes,' and, if not, what alterations have been made in this respect, and for what purpose?

of the jewelled clasp or morse. A white cope was given the Bishop for his own use (with a little black and ivory pastoral staff), now at Salisbury, by the Rev. Fred. H. Sutton, preb. of Langford Ecclesia. My Father rightly maintained that the cope (*paenula*) was not a good substitute for the *casula* at the Holy Table; but having to administer a diocese he thought it right to show an example of compliance with the judgement of persons in authority, even when the court was not constituted exactly in accordance with his own ideal.

2. (*a*) Are the Services of the Church duly celebrated in the Cathedral as prescribed in the "Book of Common Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Use of the Church of England"?

(*b*) How often is the Holy Communion administered? Is a Register kept of the numbers who Communicate?

What was the number of those who Communicated on Easter Day, 1895, and on Easter Day, 1896?

What is (1) the average on Sundays, (2) the average on Week-days, and (3) the smallest number who have received the Holy Communion at any Celebration during the year 1895?

Is any roll or list of Communicants kept, and by whom?

Is suitable accommodation afforded to the Congregations in the Cathedral, and is due provision made for their kneeling in Public Prayer?

(*c*) Are the Holy Days and Seasons of the Church observed in any special manner, and is notice given of them in accordance with the Rubric?

(*d*) What special Festivals, and religious gatherings for devotion or instruction, are usually held in the Cathedral Church, outside the requirements of the Book of Common Prayer?

(*e*) Is there any Commemoration of the Benefactors of the Cathedral and Diocese? If not, can you suggest any worthy and proper way in which such a Commemoration might be instituted?

Is a Register kept of such Benefactors according to the "Draft Statutes"?

Are there, as yet, any charitable or educational foundations belonging to the Cathedral, or connected with it?

(*f*) What are the rules, or (if no complete body of rules exist) what is the custom as to the attendance of the Dean, Canons, and other Ministers and Members of

the Church at the Offices and Services? Who are responsible for celebrating the Sacrament of the Holy Communion on Sundays, Holy Days, and Week Days, and for reading the Daily Prayers, the Litany, and the Lessons?

Is a list of attendances and absences kept, and by whom?

(*g*) On what principle, and to what general objects, are the Offerings of the Congregation applied?

[A copy of the printed balance sheet should be supplied for 1895, and others, if possible, for a few years past.]

(*h*) Is the Draft Statute (19) as to the 'Table of Preaching Turns' duly observed?

Are any modifications in this Statute desirable?

Is there a list kept of all Preachers in the Cathedral Church, with their text and subject?

3. (*a*) Is Canon 24 ("Copes to be worn in Cathedral Churches by those that administer the Communion") observed in the Cathedral?

If not, for what reason is its observance not carried out?

(*b*) Are the Choirmen, and Choristers, and Vergers properly habited, and are they so placed that they can hear the Sermons?

4. (*a*) Do the "*Principales Personæ*," specified in the Draft Statutes, (1) discharge the proper duties respectively assigned to them therein, and also, in the case of the Precentor and the Chancellor, in the Order in Council, 5th March, 1885, as far as the present circumstances of the case allow?

Can you suggest any further means by which these offices could be made to subserve present needs?

(*b*) What is the stipend of each member of the Residentiary Chapter, the Vice-Chancellor, Priest Vicars, and Sacrist of the Cathedral?

What are the sources respectively of these stipends?

(*c*) What is the mode of appointment and the duties

of the Vice-Chancellor, the Priest Vicars, and Sacrist of the Cathedral?

5. (*a*) What are the legal requirements, and what is the actual practice as to the residence of the Dean, the Canons Residentiary, and other Ministers and Members of the Church?

How far are the Draft Statutes of 1882, and re-affirmed by the Order in Council of 1885, as to Residence held to be binding?

(*b*) In your Canonical Office, do you (1) preach in the Cathedral in the turn, or turns assigned by the Draft Statutes to your Stall; (2) recite, daily, "nothing hindering," the Psalms assigned to your Stall (Statutes 19, 20); (3) perform some external Diocesan, or other public work, in addition to your parochial office (Statute 30)?

What is the nature of that work, and can you suggest any change, or improvement in regard to work in the Diocese which might be undertaken by the Honorary Canons?

(*c*) What assistance has been rendered to work in the Diocese by the Canons Residentiary of the Cathedral during the year 1895?

(*d*) What help, in like manner, has been given during the same year by the Clergy of the 'Forma Secunda'?

6. (*a*) How often in the year are regular Meetings held of (1) the General Chapter, (2) the Residentiary Chapter?

(*b*) Is it desirable that the Cathedral Chapter should be summoned by the Bishop as his Council more frequently, and if so, (1) on what occasions, and (2) for what purposes?

(*c*) Would it be advisable for the Chapter to appoint a Standing Committee to assist the Bishop by advice in cases of emergency?

(*d*) What are the rights of the Dean and Chapter during the vacancy of the See?

7. (*a*) What is the financial and other position of the Cathedral Divinity School (*Scholæ Cancellarii*) at the present time?

(*b*) What is your deliberate opinion as to its continuance?

(*c*) Have you any suggestions to offer as to its improvement?

8. (*a*) Are (1) the Books for use in Divine Service, and (2) the Muniments of the Chapter, the Chapter Act Books, with any other books or documents belonging to the Dean and Chapter, kept in safety and good order, and duly arranged and indexed?

Under what conditions can the Muniments, &c. be consulted?

(*b*) Could you suggest any means by which the Diocesan Library, founded by Bishop Phillpotts, and opened in the year 1871, could be made more useful, and larger funds be obtained for its maintenance?

9. Under what circumstances are monumental tablets and brasses allowed to be erected in the Cathedral?

What fees are charged for such erection, and to what objects are they applied?

10. Are the gates of the Cathedral Precincts properly closed, and opened daily, and at what hours, and by whom?

(*b*) To what persons are keys of the Cathedral, Choir, Crypt, Safe, &c. allowed, and under what conditions?

11. Are (1) the Cathedral Church and Buildings belonging to the Dean and Chapter, and (2) any Buildings belonging to the present Cathedral Building Committee, of which the Dean and Chapter are members, insured against fire, and in what offices, and for what amounts?

Are there any lightning conductors, and where are they placed?

12. Does any special fund exist as contemplated in the Truro Bishopric and Chapter Acts Amendment Act, 1887 (50 and 51 Vict. c. 12, s. 12) for the repairs of the fabric of the Church? If so, how is it supplied, and how controlled?

What steps are taken for the periodical Survey, and Repair, when needed, of the fabric of the Church (Statute 27)?

Is it probable that repairs of any extent will be required in the immediate future?

13. What (1) Houses, (2) Bequests, and (3) other property now belong to the Dean and Chapter?

What are their respective uses?

14. (*a*) Can a balance sheet be supplied of (1) the income and outgoings of property belonging to the Dean and Chapter for 1895, (2) the payments made to the Members, past and present, of the Cathedral Body, (3) the maintenance of the fabric and services of the Cathedral?

(*b*) Are the annual accounts of the Cathedral properly audited and by whom?

(*c*) Has any money been borrowed by the Dean and Chapter during the last eight years, and if so, how much, and under what licence, and with what provision for its repayment?

(*d*) How far is it probable that the present expenditure on the maintenance of the fabric and services of the Cathedral can be maintained? Have you any suggestions to offer on this point?

(*e*) What steps are being taken for the completion of the Cathedral?

What is the present amount of the Fund in hand for that purpose?

15. (*a*) What is the mode of appointment, the duties, the attendances at Divine Service, and the stipends of (1) the Organist, (2) the Choirmen of the Cathedral?

(*b*) How are the Vergers of the Cathedral appointed? What are their duties and stipends?

(*c*) Are all the Lay Officers in every department habitual Communicants in the Cathedral?

(*d*) What provision can be made for their retirement, when incapacitated by old age or other infirmity?

(*e*) Is any help, either paid or voluntary, provided for (1) the care of the fabric, (2) the ordering of the services of the Cathedral, (3) the seating of the congregation, and (4) the collection of the Alms?

16. (*a*) What arrangements are made for the education and discipline of the Choristers? By whom is their religious instruction and preparation for Confirmation carried out?

(*b*) Is a Register kept (1) of their names, parentage, and ages upon admission, (2) of their residence, occupation, and manner of life after their services in the Cathedral are ended?

(*c*) Are any arrangements made for (1) some spiritual oversight of them, and (2) apprenticing them, or otherwise starting them in life after they leave the Choir?

(*d*) Are any other boys educated with them? Would it be possible, or desirable for the Dean and Chapter to take any steps towards enlarging, or otherwise improving the School at which the Choristers are, at present, educated?

17. (*a*) Who acts as Clerk to the Chapter at the ordinary Meetings of the General and the Residentiary Chapter?

(*b*) By whom are the duties of the Chapter Clerk performed in cases of (1) the Election of the Bishop, (2) the Election of the Proctor for the Chapter, (3) the Exercise of Patronage belonging to the Chapter?

(*c*) Who has the custody of the Common Seal of the Chapter, and where is it kept? Is the Statute (12. 5) respecting it complied with?

18. What are the duties and stipends of any other officers of the Cathedral Church not already enquired into?

Have you any observations to make as to their conduct, or suggestions to offer as to the better ordering or arrangement of their duties?

19. What are the names of the Benefices in the Patronage of the Dean and Chapter, and their value (gross and net)?

Have the requirements of the Acts 3 and 4 Vict., c. 113, s. 44, 39 and 40 Vict., c. 54, s. 10, and 50 and 51 Vict., c. 12, s. 14, with regard to the disposal of Patronage belonging to the Dean and Chapter been complied with?

20. What have been the results of the relations established by the Truro Bishopric and Chapter Acts Amendment Act, 1887 (50 and 51 Vict. c. 12) and by the Draft Statutes, between the Cathedral Church and the Parish of S. Mary, Truro?

21. Have you any suggestions to offer to the Bishop with a view of increasing the efficiency, and strengthening the connexion of the Cathedral Church, and the Capitular Body with the City and the Diocese?

JOHN: TRURON:

April 21st, 1896.

With the foregoing Articles of Inquiry the Bishop's chaplain enclosed

(*a*) to each of the Clergy of the *Forma Secunda* (see below, tit. 7; tit. 18 § (5), pp. 759, 767), and Lay Officers of all degrees, a circular inviting answers upon the questions concerning their special duties, and on those which affect the life and work of the Cathedral Church in general. (Dated 20 Apr. 1896.)

(*b*) to the Dignitaries and Canons, a circular requesting individual answers to the Articles of Inquiry. They are called to preparatory services on the Monday afternoon (June 1st) preceding the Visitation. They are invited to dine in

Truro with the Bishop that evening at 7.30, and apprised of arrangements made for hospitality for the two days. (Dated 21st April.)

A card of invitation to the Visitation Dinner was also issued.

The *Mandate from the Bishop* was issued to the Sub-dean, 13 May, 1896.

As soon as possible the Sub-dean issues the '*Monition and Citation*' of Canons Residentiary, Archdeacons, Dignitaries, Honorary Canons, Vice-Chancellor, Priest-Vicars, and other Ministers and Members of the Cathedral Church to appear before the Bishop or his Commissary in the Chapter House at Truro, on Tuesday, 2nd June; to produce titles, institutions, letters of orders, dispensations &c. Notice of inability to attend to be sent where necessary to the Registrar by May 30th. (Issued under the Sub-dean's hand, 15 May, 1896.)

A joint notice for members of the General Chapter (see below, pp. 761—3) issued

(*a*) by the Bishop respecting the aforesaid preparatory services (viz. at 2.15 p.m. Prayers and Address by the Bishop; [after tea at 4.15] 5 p.m. Choral Evensong).

(*b*) by the Dean and Chapter notifying—through the Chancellor, as their Secretary,—at 4.45 Proceedings in Chapter;—5 p.m. Choral Evensong, as above, with Installation of Mr Estridge to the Subdeanery and Canonry of St Meriadoc. (8vo. pp. 1, 3, issued 16th May.)

Circular sent through the Bishop's Chaplain to members of "the Cathedral Guild of Lay Assistants[1]," inviting their

[1] The '*Guild of Lay Assistants*' at Truro consists of twenty-four acting members, communicants, who undertake in their turn to collect the alms and assist in seating the congregation at Sunday morning and evening services. The Bishop (as Dean) is President; the Precentor, Vice-President. Members on duty meet in the Chapter Room fifteen minutes before Divine Service, when prayers are said and alms-bags are distributed. There are certain Associates who assist on special occasions. A Warden (annually appointed by the Dean and Chapter), and two, or more, Sub-Wardens. The 'Guild Collect' is as follows:

"I was glad when they said unto me: we will go into the House of the Lord."

V. O pray for the peace of Jerusalem:

R. They shall prosper that love Thee.

presence during the delivery of the Bishop's Charge in the Chapter Room at 11 a.m. on Tuesday, June 2nd, and apprising them that there will be a choral celebration of Holy Communion on the Visitation Day at 10 a.m. (in addition to the usual celebration which is held at 8 a.m. daily in Truro cathedral church throughout the year). 12mo. Dated 18 May, 1896.

Paper of "Proceedings" (issued in May 1896) as follows:—

PROCEEDINGS AT THE VISITATION OF THE CATHEDRAL CHURCH OF THE BLESSED VIRGIN MARY OF TRURO, TO BE HELD BY THE BISHOP ON TUESDAY, 2ND JUNE, 1896.

Mattins will be said at 7.30 a.m.

The Holy Communion will be celebrated, as usual, at 8 a.m.

At 10 o'clock, there will be a Choral Celebration of the Holy Communion, the Bishop with his Officers having previously been received at the West Door.

The Introit will be the hymn *Veni, Creator Spiritus* "Come, HOLY GHOST, our souls inspire" (No. 157, Hymns Ancient and Modern).

The Collects will be (1) that for the Day; (2) the second for Good Friday; (3) that for Whitsunday.

The Special Epistle will be 1 S. Peter i. 3—22; the Special Gospel, S. John xvii.

All the Ministers and Members of the Church will appear vested in their robes, and in their places in the Choir.

The Service being ended, the Bell will be rung, and

O ALMIGHTY God, we beseech Thee to regard with Thy gracious favour the members of our Guild, and the work which we have undertaken for Thy Glory and the edification of Thy Church. Grant to us, and to all Thy people, a spirit of devotion, reverence, unity and zeal. Help us day by day to do Thy will, to grow in grace, and to abound in all the fruits of righteousness; and grant that, faithfully serving Thee in Thy courts below, we may be admitted hereafter to a share in the worship offered by Angels and Saints in Thy temple above, through Jesus Christ our Lord, who liveth. *Amen.*

the Cathedral Body will proceed to the Chapter Room singing the hymn *Veni, Sancte Spiritus* "Come, Thou HOLY SPIRIT, come" (No. 156, Hymns A. & M.), in procession.

The Bishop will take his accustomed seat, and the Chancellor of the Diocese and the Bishop's Registrar will occupy places at the Table.

The Canons will occupy their Stalls, and the other persons will take their seats in due order.

The names of those cited to appear will be called by the Bishop's Registrar, and each person present will answer 'here.'

A short Office will then be said by the Bishop consisting of the Lesser Litany, the Lord's Prayer, and Versicles, Psalm cxxxiv. *Ecce quam bonum,* and the following Collects:

O LORD, Who by the prayers and hands of Thy servants hast raised high in so fair sanctity this House of Thy doctrine and service; We humbly beseech Thee to build and bind Thy people, one and all, into one spiritual, fitly framed Temple; and so to manifest Thyself in this Thy Sanctuary, that Thou, Who workest all Thy Will in the sons of Thy adoption, mayest continually be praised in the joy of Thine heritage; through Jesus Christ, our Lord. *Amen.*

O HEAVENLY FATHER, strengthen us, we beseech Thee, in love one to another by drawing us to an increasing love of Thyself; keep us from all envy and jealousy in little things or in great, and teach us to rejoice in seeing Thy work done by others rather than ourselves; and finally, we pray Thee, grant us grace so faithfully to serve Thee, with one heart and soul, in this life, that the brotherhood which has begun on earth may be perfected in heaven; through our Lord and Saviour Jesus Christ. *Amen.*

O LORD JESU CHRIST, Who saidst unto Thine Apostles, Peace I leave with you, My Peace I give unto you; Regard not our sins, but the faith of Thy Church, and grant us that peace and unity which are agreeable to

Thy holy Will; Who livest and reignest with the Father and the Holy Ghost, One God, for ever and ever. *Amen.*

O Eternal Lord God, Who holdest all souls in life; We beseech Thee to shed forth upon Thy whole Church in Paradise and on earth the bright beams of Thy light and heavenly comfort; and grant that we, following the good examples of those who have served Thee here and are at rest, particularly the Founders and Benefactors of this See and Cathedral, for whose memory we continually give thanks unto Thee, may with them at length enter into Thine unending joy; through Jesus Christ, our Lord. *Amen.*

After which all will take their seats, and the Bishop will deliver his Charge.

The Charge being ended, the Bishop will direct the Registrar to enquire of the Senior Chorister in the name of the rest, if any of them have any complaints to make. The Precentor and the Choirmaster, together with the Master of the School to whose charge the education of the Boys is, at present, entrusted, will also be asked if they have any complaint to make of the conduct of any of the Choristers. If any complaints are alleged, notes will be taken of them, and they will be reserved for hearing.

The Choristers will then be dismissed.

Similarly, the Choirmen and Vergers will be interrogated, and their complaints, or any complaints against them, will be noted, and they will then be dismissed.

The same will be done in the case of the Priest Vicars. When the subordinate Ministers and Members of the Church have been dismissed, the Bishop will remain in Council with the General Chapter.

An adjournment will be made for luncheon at 1.30 p.m., and the meeting of the Chapter will be resumed at 2.15 p.m.

Questions which concern the whole body of Canons, especially some of those raised under Questions 1, 2, 4, 5, 6, 7, 8*b*, 14*e*, 21, will be first considered.

Questions referring to the Services, discipline, and revenues of the Cathedral Church will next be considered.

The Proceedings will be concluded shortly before 4 o'clock, at which hour Evensong will be said in the Choir.

If the Bishop discover anything requiring reformation or correction, he will issue a Monition on the subject to the Chapter, who will be allowed three months to take Order as to such reformation or correction, and to report thereupon to the Bishop.

If such Order be not taken, the Bishop will take steps to correct any defects left unreformed.

BY ORDER OF THE BISHOP.

May, 1896.

STATUTES FOR TRURO.

It may be well to point out that Bradshaw's observation that there was nothing *in principle* to hinder 'the highest canon from being sub-dean' (p. 748) *if it was found convenient* that he should hold that office, can hardly have been intended to imply that the sub-dean's office *ought* to be held by the highest canon. It was a favourite remark with him that the order of the dignitaries in practice differed in different chapters. See *Black Book*, p. 103. At Bayeux (where is the only Norman Chapter which he could find to correspond with our English Chapters of the 'Old Foundation' as regards the order of the *Quattuor Personae*) 'Subdecanus' ranks after Dean, Precentor, Chancellor, and Treasurer, and the four Archdeacons, and is followed immediately by Succentor, Scholasticus, and Theologus. (*Ibid.* p. 106.) As a matter of fact 'Precentor, Chancellor, Treasurer, Missioner, Subdean, President of Canons Honorary' is the Truro arrangement. See pp. 757—761, 763, 767—8. In enumerating the complete chapter at Truro (p. 786 *n.*) I ought not to have spoken of the Honorary Canons as 'including Missioner and Sub-Dean,' for these might be Residentiaries. The Sub-Dean certainly would be such.

Chancellor Worlledge assures me that the Cathedral Church of Truro, so far as possible, is now governed by

the (draft) Statutes printed below, although they have not been sealed (see p. 794). There may be some few slight deviations in practice. For instance, the distinction as to certain preachers wearing gowns instead of surplices (p. 771) has not been observed.

As regards the revised '*Form for admitting a Chorister*,' I understand that some of the alterations noticed on p. 781 (cf. pp. 745—7) were derived from an order in use at Worcester.

In the course of the present work, I have (I trust) acknowledged my obligation to numerous friends and correspondents, to whom I have not applied in vain for assistance and enlightenment while this work was in preparation[1]. It remains for me to record my gratitude that I have thus far had health and strength to see the volumes finished; only adding my acknowledgement of the courtesy and forbearance which have been extended to me by the Syndics of the Press, as well as of the care and pains which have been exercised by those who have carried the work through at the University Press itself.

But I feel that I should be wanting in gratitude to one of the greatest benefactors of the students of Lincoln Records, and deficient likewise in duty to a pleasant comrade of earlier years, if I omitted to mention in particular the name of FREDERIC WICKENDEN.

Some few specimens of the results of his labours, which Henry Bradshaw was taking great pains to make more available to others when he himself was called away[2], have

[1] Since page xlv of this Introduction was printed off I have to record the loss of another of my kind correspondents. The Rev. JAMES RAINE, Hon. D.C.L., Durham, Canon and Chancellor of York, died 20 May, 1896.

[2] He is commemorated by a small brass tablet, ornamented with Tudor roses, inserted in the northern wall of the antechapel at King's College, Cambridge, where (as his biographer, Dr Prothero, has said) "his resting-place is fittingly midway between the rooms which to so many were a second home, and the library where he spent his life in unselfish toil."

been given in the *Black Book* (pp. viii, 79, 85, 214, 240—62) and in this present volume (where, *e.g.*, a list of Visitations, such as will be found at pp. 637—41, would have been impossible but for Canon Wickenden's industry); and Reports made to the Historical MSS. Commission have given a bare outline of their work. But the whole Inventory, now in manuscript, in great part in Bradshaw's writing, deserves to be made accessible in print, together with the laborious catalogue of deeds and grants (in Wickenden's hand) now piled in one of the table-cupboards in the Muniment-Room where, more than once, the keen-eyed Librarian, and the Antiquary so richly endowed with the genius of taking pains, have happily worked together "in the House of God as friends[1]."

Of one who laboured so cheerily as Fred Wickenden contrived to do, in spite of physical infirmities, being "content to fill" what doubtless seemed to some "a little

✠
prope • iacet
Henricvs • Bradshaw • A • M •
hvius • collegii • socivs
Academiae • bibliothecarivs
~ vnice • doctvs ~
vnice • desideratvs
natvs a • d • iv • Non • Feb
mdcccxxxi
obiit • a • d • iv • id • Feb
mdccclxxxvi •

[1] Several other Cathedral and Collegiate Churches have in late years obtained the benefit of a careful stock-taking of their treasures in the department of muniments and records. To mention those which occur to my thoughts at present:—The Chapter Muniments at *Salisbury* were examined by Sir E. M. Thompson; and Mr Edward J. L. Scott is now engaged upon the priceless records of *Westminster Abbey*. Mr Walter de Gray Birch cleaned and arranged eleven hundred documents at *Wells*. The muniments at *Exeter* have been kalendared by Mr Stuart Moore of the Record Office. Those at *Lichfield*, arranged by the Rev. J. C. Cox, LL.D., have been more recently described by Mr Reginald L. Poole in the xivth Report of the Hist. MSS. Commission, part 8, 1895. The records at *Ely* have been put beautifully in order;—and indeed '*loca senta situ*,' such as I can recollect in secular as well as in ecclesiastical record-rooms in my own boyhood, are now, so far as I can judge, fast becoming very few indeed.

space," and of whom it could be most truly said—more truly, no doubt, than it was predicated of the friend of Ovid—that '*bene latuit*,' it was really characteristic that his Lincoln monument should be hidden from the passer's gaze. A brass plate is fixed to the wall of the muniment-room, the place which scores of visitors, ascending the newel staircase to the minster tower or triforium, passed and repassed unconscious of the slight figure which, in cassock and black cap, was working hour by hour, and where, after they were gone, and when the organ pealed, he would open his psalter to say the portion which St Hugh appointed him as prebendary of Norton Episcopi. That honour and title my Father conferred upon him in 1876; and it gratified him, I believe, far more than any *honorarium* from the Dean and Chapter. Such a token of their gratitude as a matter of fact they offered, and Wickenden declined it.

He had been a pupil of Dr Prince Lee at K. Edward's School, Birmingham, and with his fellow-pupils Lightfoot and Benson he was afterwards a member of Trinity College, Cambridge. A pure and happy spirit, an artistic hand and eye[1], a love of ancient things, and a desire to serve God and His Church to the best of his powers, and to gratify his friends, he bore with him through his life. He died at Stoke Bishop 23 Oct. 1883, his last words being these: "Give my love to all my friends: I can do no more for them. The Blessing of God Almighty, the Father, the Son, and the Holy Ghost, be with *them all*." His funeral was the first service performed in the enlarged

[1] A series of eight large charts and plans, which are in themselves a monument of Frederic Wickenden's diligence and neatness, and which are helpful to those who are investigating our history, bears a modest title (pencilled in a *vesica*, ready for illumination). This title is evidently his own composition:

✠ Gnomon dignitatum necnon prebendarum percelebris ecclesiae beatae virginis Mariae Lincolñ: a fundatione sedis episcopalis apud Lincoln usque ad tempus hodiernum: cura J. Friderici Wickenden, prebendarii eiusdem ecclesiae indigni, Anno Redemptionis nostrae • mdccclxxvij ✠

church of St Mary Magdalen, Stoke Bishop, which he had done much to beautify.

The brass tablet at Lincoln to which I have referred, bears a Latin inscription from the pen of Dean Blakesley.

Both for its own sake and as a memorial of one of our Lincoln benefactors we gladly do what is in our power to make the record somewhat more widely read and known, and therefore we print a copy of the inscription overleaf.

THE CONVERSION OF ST PAUL, 1896
(*finished on* Holy Cross Day,
14th Sept. 1896
at Tyneham Rectory, Dorset).

CHR. WORDSWORTH.

FRATRI DILECTO

JOSEPHO FREDERICO WICKENDEN A.M.

HUIUS ECCLESIAE PRAEBENDARIO

ANTIQUITATIS INDAGATORI EGREGIO

CUIUS CONSILIO OPE DILIGENTIA SOLLERTI

MULTA MILLIA CHARTARUM MANUSCRIPTARUM FRAGMENTA

PRAETERITI AEVI RELIQUIAE

DIU PER INSCITIAM SEU INCURIAM CUSTODIENTIUM NEGLECTA

TANDEM BLATTIS TINEISQUE FELICITER SUNT EREPTA

ADEO UT QUAE ERANT DISIECTA IN ORDINEM COACTIS

QUAE OBSCURA DOCTE ILLUSTRATIS

ETIAM QUAE LACINIATIM DISPERSA SCITE RESARTIS

MAIORUM ACTA SERIS NEPOTIBUS PATEFIANT

HOC QUALECUMQUE AMANTISSIMAE RECORDATIONIS INDICIUM

QUO IN LOCO PER OCTO FERE ANNOS STUDIA FRUCTUOSA EXERCUERAT

IBIDEM AFFIGI CURAVERUNT

DECANUS ET CAPITULUM

A.S. MDCCCLXXXIII°.

"Parentes patriarchas habere iam coepimvs."
Cypr. *De mortalitate.*

When I sent proof-sheets of our large extracts from the *Draft Statutes for Truro* (pp. 748—781, below) to him who was at once the friend most dear to Wickenden, and also in the highest sense no ordinary Benefactor to Lincoln and Truro and to the Church at large, I looked forward to his seeing those pages (his own work) once more in a completed volume. But it was not to be. Archbishop Benson's "*Pax omnibus vobiscum,*" written to us in September, was to be followed so soon by that peaceful absolution in the parish church at Hawarden on Sunday, Oct. 11th, 1896. How often had he risen to pronounce those solemn and gracious words for others! (See p. 770, no. (2).) But that morning he was to die 'as a soldier' who had not read in vain the counsel given by King Harry the Fifth at Agincourt.

"And, dying so, death is to him advantage."

He sent this letter to me when he returned the printed proofs of the pages to which I have referred:—

Lambeth Palace, S.E.,
22 *Feb.* 1896.

My Dear Chris,

Quite refreshing to wake up near twenty years ago and walk through the Statutes again! What a piece of work it was. It was then my eyes began to go!

I have read them all.

I *think*[1] Germoc should be Germoe.

But what do I not forget? Thank you very much.

Ever your affectionate,

E[dward] C[antuar.].

The Reverend
Prebendary Wordsworth.

[1] The Archbishop doubly underlined the word "*think*" where he referred to the name of one of the Cornish Saints. The name of the Irish chief Germochus (variously described as king or bishop) appears as 'Germoc' in the Truro Regulations of 1877 (p. 14) and in the Statutes as printed for the Commissioners in 1883, p. 17. And thus we have accordingly given it at p. 770 *n*. Locally however the name is softened (as Dr Benson remembered) to Germoe. St Germo's 'chair,' a stone canopied seat or altar-tomb, is mentioned in Borlase's *Age of the Saints* (1878), p. 33.

LINCOLN AND OTHER CATHEDRAL STATUTES

ILLUSTRATIVE OF 'LIBER NIGER.'

Corrections for the Former Volume of Lincoln Cathedral Statutes, "⁎, The Black Book,"

Published in 1892[1].

PAGE	LINE	
125, *note*,	3,	*for* 'tit. 5' *read* 'tit. 4'.
125, ,,	5,	*for* 'a Parisiensi' *read* 'Parisiensi'.
125, ,,	8,	*for* 'I. i. 2' *read* 'I. 2. Ne sede vacante tit. v.'
208,	2,	*for* 'decide' *read* 'divide'.
228,	26, 27,	*dele* 'to which Bp Alnwick refers'.
240,	31,	*for* 'Doungarth' *read* 'Boungarth'; *and correct* the Index *accordingly*.
316,	9,	*for* 'huic' *read* 'hinc'.
322,	11,	*for* 'et' *read* 'vt'.
364, *note*,	1,	*for* 'I. v. 9' *read* 'I. iv. 9'.
365,	3,	*for* 'ecclesiæ' *read* 'ecclesie'.
456, *col.* 2,		*for* 'Frater ascendi' *read* 'Frater ascende'.

[1] I owe the detection of several of these errors to Mr G. H. Blakesley.

I.

(A.) Charter of William Rufus Sept. 1090, confirming the Grant of William I.

This charter has been printed in Dugdale's *Monasticon*, vi. pp. 1270—1271, from an inspeximus of K. Henry VI. The text given below is taken from a much earlier copy at Lincoln which differs from Dugdale's text not only in the few instances which are noted in the margin but in the orthography of names, the order of words, and to a remarkable extent in the order of the names of the signatories at the end.

**De libertatibus et beneficiis collatis Linc' ecclesie per W. regem secundum.*

*Regis-trum Antiquissimum Lincoln. (A. 1. 5). No. iii.

t. 1090 IN nomine Domini nostri Jesu Christi anno ab incarnatione eiusdem domini M. xc° indictione xiij.[1]

Ego W. Rex Anglorum, iij° regni mei relabente anno: quod gratuito dono suo michi contulit, qui sine penitentia munera largitur, futurorum prescius deus,

genitore meo Wilto consenciente et me sui heredem faciente.

qui muneris superni auxilio regnum idem succincte adquirendo habuit, et habitum celesti illustracione instructus prospere et prudenter dum uixit exemplo cessante tractauit.

Pro eiusdem inquam anime atque genitricis mee Salute, et ob meam temporalem maximeque protectionem perhennem[2], et ob meorum tam predecessorum quam successorum remissionem peccatorum, necnon ad tocius regni mei Salutem:

[1] 'xiiij' *Dugd.* [2] *Add. in marg.*

Lincoln, 1090.

ecclesiam Sancte dei genitricis

quam predictus genitor meus Remigium pontificem, uirum uenerabilem, Sacris uirtutibus pollentem, eiusdem antistitis interuentu in lincolia ciuitate construere iussit, tocius episcopatus sedem

consensu et auctoritate domini Alexandri, qui sancte Romane ecclesie tunc uigili presidebat cura, et legatorum eius, quos ob hoc stabiliendum huc precipue misit necnon consilio Lanfrici Archiepiscopi uiri preclari qui omnium ecclesiarum primatum tunc citra mare tenebat. aliorumque fidelium eius:

que uidelicet sedes incompetenter ac satis obscure in Dorchacestra antiquitus posita fuerat

ideoque Antecessor meus

prefatam, vt supra docuimus, edificari precipiens ecclesiam

ad eandem sufficienti spatio construendam, nec non ad domus eidem seruientium officijs aptas, prouiso quoque ac large ibi disposito mortuorum corporum cimiterio,

terram in supra dicte urbis sinu quietam, et ab omni garrulitatis cuiuslibet strepitu liberam, contulit:

insuper ad usum eidem ecclesie sub canonica institucione deo militantium hec stabiliter dedit dandoque permultis representacionibus confirmauit:

Welletone cum appendicijs suis

Et duas ecclesias in Lincolia, Sancti Laurencij unam, Sanctique Martini aliam.

Et ecclesias trium maneriorum suorum, cum terris et decimis que ad eas pertinent et insuper omnem decimam tocius redditus eorundem maneriorum[1], Walingoure, Chirchetune, et Castra,

ecclesiam de Heilesberia, cum terris et decimis, videlicet Stochas, Waltona, Buchelant,

ecclesiam de Buchingeham, cum terris et decimis, et una karrucata terre in gauecota.

Ecclesiam de Lestuna, cum terris et decimis,

Ecclesiam Sancte Marie in Bedefort, et unam hidam

[1] A line repeated by error, then struck out.

terre, et unum molendinum, cum appendicijs suis, et alteram hidam terre in Fort, cum una uirgata, LINCOLN, 1090.

Eslafort, cum appendicijs suis,

Lestunam, cum quinque karrucatis de terra in Acham, et vna[1] in Ratburno, quam uillam comes Wallef: intercessione et obsequio Remigii venerabilis episcopi, prefate ecclesie dedit,

Watburno, quam eidem episcopo dedit, cum pastorali baculo, Wilłs pater meus, Rex egregius,

ad supra dictam inquam ecclesiam edificandam hec dona concedo et do post patrem meum *ac regali auctoritate confirmo quieta ab omnibus consuetudinibus. *Lf. 2ª.

Ad hec matri ecclesie Lincoliensi post genitorem meum hunc honoris cumulum exaggero.

uidelicet uolo et concedo sicut pater meus concessit, vt episcopus mittat Remigius et constituat Abbatem in ecclesiam sancte Marie de Stou, tam ipse quam successores sui, utpote in suo episcopali manerio,

Quem uidelicet Abbatem ipse catholice elegerit cum consilio Regis abbatumque sue dioceseos, et monachorum ac clericorum suorum necnon et laicorum deum timentium,

Mortuo autem Abbate, si in Abbatia idoneus aliquis reperiri ualeat, consilio supradicto ab episcopo eligatur, constituatur et ordinetur. Sin autem; per Abbatias sui episcopatus vel per aliquas alias quesitum alium dignum in loco defuncti episcopus subroget.

Ad usum uero monachorum concedo elemosinas, quas Comes Leuricus et uxor eius Godeua dederunt ecclesie de Stov, videlicet, Newercham, Flatburch, Wellewapentac', excepto Denario tercio comitatus.

Insuper concedo, sicut pater meus concessit, Eglesham cum appendicijs suis, videlicet, Milcetuna, Rollendriz, Erdentuna, Sifort, Et ecclesia sancte Æbbe cum [ad][2]iacente ei terrula, et duobus molendinis in Oxinefort, cum omnibus consuetudinibus.

[1] *Add. in marg.*
[2] [interlin.]

LINCOLN, 1090.

Hijs alijsque elemosinis Abbatia in episcopali manerio constructa in dominio episcoporum perhenniter maneat.

Has autem elemosinas omnes concedo regali dono, tam ecclesiarum quam terrarum, sub ordinatione et dispositione Remigij episcopi, cuius interuentu predicta mater ecclesia cepit fundari, ut ipse disponat et diuidat sicut sibi uisum fuerit, inter matrem ecclesiam Suamque Abbatiam.

In qua uidelicet matre ecclesia canonici deo seruientes caste[1] et catholice uiuant, nullaque inter eos prebenda ematur uel uendatur, depulsa omni heresi symoniaca.

Siquis autem, quod absit, aliter uoluerit uiuere[2] et canonicis preceptis obedire noluerit, fraterno amore prima et secunda uice, usque ad terciam, a Decano et fratribus ceteris corrigatur:

Si autem adhuc rebellis permanserit; ad noticiam episcopi perueniat.

Qui episcopus, una cum Decano et fratribus ceteris, adiunctis et*iam* oracionum medicaminibus, fratrem infirmum sanare et corrigere studeat.

Si uero ipse taliter castigari noluerit; et proprio reatui pertinaciter indulgere uoluerit, omnibus rebus ecclesie uacuus ut accessit, foras mittatur.

et alter, morum et scientie merito dignus, absque omni munere, ut dictum est, locum ejus terram occupantis optineat.

Hijs omnibus incommutabiliter ita dispositis, ueto et regali auctoritate prohibeo, ut[3] quislibet cuiusque ordinis sacratissimis locis supradictis uiolentiam aliquam faciat vel de rebus eorumdem aliquid minuat.

Quod si episcopus, uel aliquis alius, in futuro, suadente diabolo, hoc uetitum facere temptauerit; deprimat et compescat eius nequitiam Rex, qui tunc temporis in hac patria regnauerit[4], ut regnum et gloriam optinere valeat in secula seculorum. Amen.[5]

[1] iuste *Dugd.* [2] emere *Dugd.*
[3] 'ne' *corr. in marg.* [4] *interlin.*
[5] The names which follow are arranged in double column from this point, viz. after leaf 2ᵃ line 35, in the *Registrum Antiquissimum.*

·✠ Signum Regis Wilti. LINCOLN, 1090.
·✠ Signum Dorobernensis Archiepiscopi.
·✠ Signum[1] Walchelini epi Wintoñ.
·✠ Signum Mauricij epi Lundonie.
·✠ Signum Gundulfi epi Rofensis.
*·✠ Signum Osmundi epi Sarisberie. *Col. 2.
·✠ Signum Roberti epi Cestrensis.
·✠ Signum Wlstani epi Wigrecestre.
·✠ Signum Herberti epi tedfordensis.
·✠ Signum Radulfi epi cicestrensis.
*·✠ Signum Roberti epi Herefordensis. *Lf. 2b col. a.
·✠ Signum Gilleberti Abbatis Westmonast'.
·✠ Signum Baldewini Abbatis S. Eadmundi.
·✠ Signum Pauli Abbatis Sci Albani.
·✠ Signum Roberti cancellarij ecclesie canonici.
·✠ Signum Wilti Capellani et eiusdem [ecclesie][2].
·✠ Signum Roberti comitis de Moritonio.
·✠ Signum Rogeri Comitis de monte gumeri.
·✠ Signum Hugonis comitis cestrensis.
·✠ Signum Stephani comitis de Albemarle.
·✠ Signum Alani comitis.
·✠ Signum Roberti comitis de Mellent.
·✠ Signum Symonis comitis.
·✠ Signum Roberti Comitis de Nordanhumbre.
·✠ Signum Eudonis dapiferi.
·✠ Signum Hugonis de munfort.
*·✠ Signum Roberti filij Hamonis. *Col. b.
·✠ Signum Hamonis fratris eius[3].
·✠ Signum Roberti de Curci.
·✠ Signum Iuonis tailgebosc.
·✠ Signum Roberti de Oili.
·✠ Signum Widonis fratris eius.
·✠ Signum Huberti de Rie.
·✠ Signum Hugonis de port.

[1] For the third signature, and for all that follow it, the word 'signum' is simply abbreviated 'S.' in the MS.

[2] Dugdale's copy adds 'canonici'.

[3] 'vicecomitis de Cantuaria' *Dugd.*

LINCOLN, 1090.

·✠ Signum Roberti de Grentemaisnil.
·✠ Signum Iuonis fratris eius.
·✠ Signum Wilti de perci.
·✠ Signum Aluredi de Warham.
·✠ Signum Goilfridi de Wirce.
·✠ Signum Goilfridi de Stoteuilt.
·✠ Signum Wilti de Albagni.
·✠ Signum Rogeri.

(B.) The 'Institutio Osmundi'.

The earliest copy of this document at Salisbury is an early insertion in a fourteenth century hand in the lower margin of leaf xxiv[a], and the upper margin of leaf xxiv[b], of the *Vetus Registrum*, not in the writing of the original scribe of the preceding portion of the so-called Osmund Register, but in a court hand very much abbreviated. There is no distinction of paragraphs in the MS., but I have "broken it into paragraphs to help the eye" as Bradshaw assures us he did in his transcript, and I have numbered some of the paragraphs for convenience of reference.

"Salisbury and Lincoln are two sister Churches, children of Rouen. Remigius of Lincoln was one of the witnesses to the foundation Charter of Salisbury in 1091, and also to the original *Institutio Osmundi* which has been so strangely overlooked, being overshadowed by Richard Poore's *tractatus* which 'explains' it for the benefit of his own time (1220) and, what is more, with the ideas of his own time." (H. B.)[1]

*HEC sunt dignitates et consuetudines Sarum ecclesie

quas ego Osmundus episcopus eiusdem ecclesie in nomine sancte Trinitatis anno ab incarnatione domini millesimo xci†, institui simul et concessi personis et canonicis eiusdem ecclesie,

Vetus Registrum Sarum, lf. 24[a] lower margin. A.D. 1091.

†'xvi' in text. In margin 'alias xci'.

[1] Bradshaw wrote to Salisbury to procure a transcript of the *Institutio* in March 1882 (as appears in a letter to the present Archbishop of Canterbury from which the above quotations are taken), but I have not discovered such a thing among his papers but only extracts from it in his own writing. I have to thank the Rev. H. J. White of the Society of St Andrew, Salisbury, for a careful collation and Mr A. R. Malden for some information as to the original text, which he refers to the early part of the fourteenth century. The register itself belongs to the xiiith century. See the *Hibernensis*, p. 27: Bradshaw's Letter to Dr Wasserschleben (May 1885) edited by F. Jenkinson for the Cambridge University Press, 1893.

SARUM, 1091.

participato dominorum archiepiscopi et aliorum coepiscoporum nostrorum consilio quorum nomina subscripta sunt,

et domini regis Willielmi interueniente assensu videlicet, ut

1.] Decanus et Cantor Cancellarius et Thesaurarius residentes sint assidue in ecclesia Sarum remota omni excusationis specie;

2.] Archidiaconi cum tali moderamine officium archidiaconatus impleant, vt duo semper ex eis residentiam faciant in ecclesia Sarum nisi necessaria et euidens causa possit eos excusare.

3.] Canonicos nichil potest excusare quin et ipsi residentes sint in ecclesia Sarum, nisi causa scolarum et seruitium domini Regis qui (unum *interlin.*) habere potest in capella sua,

4.] et archiepiscopus unum,

5.] et episcopus tres.

6.] Verum tamen si necesse habuerit Canonicus, pro communi vtilitate ecclesie vel prebende sue, et hoc fuerit in manifesto, poterit per anni tertiam partem abesse.

7.] Dignitas Decani est, et omnium Canonicorum, vt episcopo in nullo respondeant nisi in capitulo,

8.] et iuditio tantum capituli pareant.

9.] Habent etiam curiam suam in omnibus prebendis suis,

10.] et dignitatem archidiaconi vbicumque prebende assignate fuerint in parochia nostra, sive in ecclesiis, vel decimis, vel terris;

11.] ita quidem quod nulla omnino exigentia in dono vel assisa, aut aliqua alia consuetudine, ab episcopo vel a quolibet alio fiat in prebendis eorum,

12.] sed omnes libertates et omnes dignitates plenarie et pacifice habent quas ego Osmundus episcopus in prebendis habui, aut aliquis alius, cum eas in nostro dominio haberemus.

13.] Quando vero aliquis constituitur Canonicus debet coram fratribus in capitulo iurare, presente euangelio,

se dignitates et consuetudines Sarum ecclesie inuiolabiliter obseruaturum. SARUM, 1091.

14.] Decanus omnibus Canonicis et omnibus Vicariis preest quoad regimen animarum et correctionem morum.

15.] Cantor debet chorum regere quoad cantum,

16.] et potest cantus eleuare et deponere.

17.] Thesaurarius in conseruandis thesauris et ornamentis,

18.] et in administrandis luminaribus preminet.

19.] Similiter Cancellarius in scolis regendis

20.] et in libris corrigendis.

21.] Archidiaconi solicitudine parochiarum et in cura pollent animarum.

22.] Decanus, et Cantor, Thesaurarius, et Cancellarius duplicem percipiunt communam,

23.] reliqui Canonici simplicem,

24.] sed in communa non percipiat nisi qui residens fuerit in ecclesia.

25.] Si Canonicus dedicationi *interfuerit eque percipit de oblationibus cum capellanis episcopi. *Lf. 24ᵇ. Hoc inuenies scriptum in quodam textu paruo et ueteri pauperis precii. (*Original note at the foot of* lf. 24ᵃ.)

26.] Si dominus Episcopus ecclesias vel capellas prebendarum dedicauerit, nichil ibi percipiunt capellani episcopi, nec alii, nisi solus Canonicus cuius fuerit prebenda.

27.] Subdecanus a Decano archidiaconatum urbis et suburbii,

28.] Succentor a Cantore que ad cantariam pertinent, possident.

29.] Si Decanus defuerit ecclesie, Subdecanus vices eius impleat:

30.] Succentor similiter et Cantoris.

31.] Archiscola debet lectiones ascultare et terminare,

32.] et sigillum ecclesie portare,

33.] literas et cartas componere,

34.] et in tabula lectores notare;

35.] et Cantor similiter cantatores.

36.] Seniores obsecrandi sunt vt fratres.

SARUM, 1091.

37.] Verum tamen si cotidiano sacrificio vel horis canonicis, absque rationabili causa, sepius defuerint, et a Decano correpti hoc non emendauerint, debent in capitulo coram Decano et fratribus prostrati ueniam recipere.

38.] Si uero de inobedientia et rebellione, vel alio notorio, deprehensi fuerint, debent a stallo degradari et ad hostium chori post Decanum, vel in choro vltimi puerorum, secundum quantitatem delicti penitentiam agere.

39.] Quod si hanc disciplinam negglexerint, et incorrigibiles apparuerint, seueriori subiaceant vlcioni.

Huius vero constitutionis a me liberaliter facte et concesse testes sunt hii:

Willelmus rex Anglorum	
Thomas archiepiscopus	[*Ebor.*
Walkelinus episcopus	[*Winton.*
Martinus[1] episcopus	(? Mauric. *Lond.*)
Johannes episcopus	[*Bathon.*
Hoellus episcopus Cenomannensis	(Sens)
Robertus episcopus	[*Herford.*, s. *Lichf.*
Herbertus episcopus	[*Norvic.*
Remigius episcopus	[*Lincoln.*
Radulfus episcopus	[*Cicestr.*
Gundulfus episcopus	[*Roffen.*
Robertus cancellarius	

et multi alii tam clerici quam laici magni nominis et dignitatis viri.

[1] The name here in the oldest MS. is clearly 'martinus'; and so it is printed by Rich Jones in the *Register of S. Osmund* I. p. 214 (Rolls Series, 1883). At the same time Dayman and Rich Jones, in their joint edition of the *Salisbury Statutes* (1883) p. 7, have tacitly introduced the name 'Mauricius'. Whether this was a conjecture founded on the occurrence of the signature of Maurice Bp of London (*not* 'Winchester' as in Jones' Index) in attestation of the contemporary *Foundation Charter* of Sarum, in *Liber Ruber* fo. 1, or was derived from some other transcript of the *Institutio* itself, I cannot say. I am happily able to give the high authority of the Bishop of Oxford (Dr Stubbs) in favour of the opinion that on *à priori* grounds 'Mauricius' seems probably right, though it is contrary to our fourteenth century scribe. (Chr. W. 1893.)

(C.) Lichfield Statutes

of the time of Hugh de Nonant (bishop 1188—1198) as revised in the XIIIth—XIVth century.

This copy of these Lichfield Cathedral constitutions or customs, though not written before the latter half of the fourteenth century, has nevertheless a special value because the earliest copy now existing at Lichfield is still more recent by about 150 years, and has been professedly revised in the time of Henry VIII.

The Lincoln copy here given is written on three leaves left vacant by John de Schalby, Canon of Lincoln, in the volume containing his collection.

The text will be found to differ considerably from that printed in Dugdale's *Monasticon* vi. pp. 1255—7, at the head of the collection of eight sets of statutes sent by the Bishop, Dean, and Chapter of Lichfield to Cardinal Wolsey, 22 Dec. 1526. I give a few readings, marked *Dugd.*, or *D.*

Even the earlier text which we give bears signs of some modifications since the days of Hugh de Nonant, as two of his successors Alexander de Stavenby 1224—38, and Hugh de Pateshul 1240—41, are mentioned incidentally.

Lichfield Statutes: Lincoln copy.

*LICH'.

*Lincoln Chapter Muniments A. 2. 3; lf. 46a.

1.] UT quilibet qui filius ecclesie censeri desiderat recte possit dicere cum psalmista · Quomodo dilexi legem tuam domine · tota die meditacio mea est · Constituciones et consuetudines ecclesie Lich' antiquas et hactenus approbatas presentis opusculi series manifestat Ad recordacionem antiquorum et memoriam posteriorum ·

LICHFIELD, c. 1190.

ne quis quoquomodo vel casu anceps in hac parte subire periurium videatur · // qui ad antiquas et approbatas lich' ecclesie consuetudines obseruandas ex iuramento prestito solempniter obligatur.

2.] Est ergo in ecclesia lich' consuetum antiquitus et statutum vt eidem ecclesie iuxta morem aliarum ecclesiarum Cathedralium in Anglia pro modulo suo tam in altari maiori quam in choro quam eciam in capitulo per ministros honestos iuxta distinccionem graduum in diuinis officijs die nocteque adhibitis officiorum ipsorum solempnitatibus debitis singulis quibusque diebus iuxta temporum exigenciam / et distinccionem horarum / in ordinibus dignitatibus et sacris indumentis Ministrancium / in modis honestis psallencium atque cantancium et accentu †legencium in numero et sollempnitate luminarium / in pulsacionibus horarum / in habitu et tonsura secundum morem aliorum Canonicorum secularium / in modo solempni installatorum[1] eidem ecclesie deseruiatur solempniter et honeste.

†*left blank*, Dugdale reads 'et attentu recte'.

3.] Quod vt fiat mos est

4.] vt a festo Natiuitatis beate Marie vsque ad Pasca Matutine circa mediam noctem dicantur.

5.] A pascha vero vsque ad festum sancte Trinitatis in aurora

6.] et inde eadem hora in festis iij leccionum.

7.] In festis vero ix leccionum Matutine vespere celebrentur vsque ad festum Natiuitatis beate Marie adhibitis solempnitatibus ipsis matutinis adiunctis // secundum quod in ordinali vel in consuetudinario continetur.

8.] Missa (+ vero) beate Marie ante primam pulsetur et celebretur.

9.] Pulsata vero prima dicatur ipsa hora in choro statim:

10.] j[a] finita Chorus capitulum intret et ibi legatur Martilogium //

11.] Post sequatur Preciosa cum suis oracionibus.

12.] Deinde dicatur Deus misereatur nostri cum gloria patri Kyrieleison Christeleison Kyrieleison Pater noster ·

[1] -*acionem* MS., 'et quoad installationem' *Dugd.*

Et ne nos · Ostende nobis Saluos fac seruos tuos &c Mitte eis auxilium Dominus vobiscum Oremus · Ecclesie tue &c et in fine oracionis et nos famulos tuos ab omni aduersitate custodi · per Dominum; si non sequatur memoria vel obitus, et tunc finiatur per Christum. LICHFIELD, c. 1190.

13.] [1]Si vero memoria pro viuo sequatur[1] Post pronunciacionem eius statim dicatur psalmus Leuaui · cum gloria patri · Vers' Saluum fac seruum tuum. Mitte ei auxilium · Nichil proficiat inimicus · Dominus vobiscum Oremus · Pretende [1]per dominum[1] nisi sequatur · Et

14.] post cuius pronunciacionem dicitur De profundis Kyrieleison · [1]Pater noster[1] Et ne nos Requiem eternam A porta inferi Credo videre Dominus vobiscum Oremus Deus indulgenciarum si dies anniuersarius fuerit Fidelium // sin autem Fidelium tantum per dominum.

15.] Deinde legatur Tabula que non legatur nisi in diebus sabbatis vel in vigilijs dupplicium festorum.

16.] Quibus peractis sileant omnes donec dignior persona que in capitulo fuerit dicat Benidicite et Respondeatur dominus.

17.] et sic [1]tractentur[1] negocia que fuerint in capitulo pertractanda.

18.] Verumtamen in tempore quadragesimali dicetur commendacio in capitulo in [1]prostracione[1]

19.] quam statim sequitur missa pro fidelibus // set sine diacono et subdiacono reuestitis sicut in omni missa in Capitulo celebranda // nisi in vigilijs que contingunt diebus dominicis et in die sancti Cedde quo die Missa dicitur de ieiunio in Capitulo.

20.] Deinde consueuerunt clerici intrare Chorum

21.] et in diebus profestis terciam et sextam ante missam cantare. *[lf. 46b.]

22.] In festis ix leccionum terciam tantummodo ante Missam cantare.

23.] Sextam vero et nonam post missam

24.] excepto tempore quadragesimali quo quidem

[1]—[1] These words are added in the margin.

LICHFIELD, c. 1190.

tempore hore diei dicuntur iuxta quod in ordinali et consuetudinario cauetur de illis //

25.] Inchoatur autem magna Missa semper circiter horam terciam[1] secundum anni tempora cum diacono et subdiacono reuestitis consideratis eorum officijs / solempnitatibus // Indumentis[2] in ordinali prescriptis //

26.] Ita quidem quod semper in dupplicibus festis habentibus sibi processionem adiunctam duo diaconi et duo subdiaconi cum duobus Turribularijs et alijs duobus[3] in capis sericis cruces duas[3] euangelium legentem precedentibus cum ceroferarijs precedant /

27.] In festis vero ix leccionum feriatis et quando Inuitatorium a tribus cantatur et in omnibus diebus dominicis crux christi portetur cum turribulo et ceroferarijs ante eum qui euangelium leget.

28.] et in hijs sequatur ordinale vel consuetudinarium succentor.

29.] Deseruitur eciam maiori altari cum Ceroferarijs et Turribulo in omnibus festis ix leccionum ad vtrasque vesperas et ad matutinas et ad missam · in quibus scilicet festis Ebdomodarius ad vesperas et ad Matutinas capa serica vtatur sicut in ordinali plenius continetur /

(*sic*) 30.] Finita vero Missa statim debet dici[4] in choro vj^{ta} vel ix^{a} incipi secundum quod predictum est.

31.] Et factis pulsacionibus consuetis post Missam faciendis sic itur ad mensam · //

32.] Post prandium vero si classicum pro defuncto fieri debebit fiet ante pulsacionem vesperarum.

33.] Debent eciam vespere sic pulsari cantari et finiri secundum anni tempora quod inter vesperas[5] in hyeme et crepusculum aliquod sit temporis interuallum.

34.] In estate vero quando cena matutinas precedit maius debet interuenire spacium propter multa /

[1] 'ante horam nonam' *Dugd.*
[2] 'solempnibus in dominicis' *D.*
[3] 'iij' *D.*
[4] 'dici' *is dotted underneath.*
[5] *add marg.*—'crepusculum' *written prematurely, then struck out.*

35.] Vesperas vero semper completorium sequatur sine mora quod in choro cantabitur secundum quod in ordinali cauetur. LICHFIELD, c. 1190.

36.] In xl^ma^ vero solet quedam pulsacio fieri post prandium ad conuocandum clericos /

37.] quibus congregatis et pulsacione finita statim incipitur Dirige sine nota vel cum nota quando scilicet fit seruicium pro Regibus Archiepiscopis et Episcopis vel pro quatuor principalibus personis [1]ecclesie[1].

38.] percantatoque officio vsque ad laudes statim legitur Collacio in medio chori //

39.] quam statim sequitur completorium //

40.] Collacio vero non legitur in diebus dominicis nec in vigilijs nec in die beati Cedde quia propter deuocionem ipsius sancti vtreque uespere post prandium et officium illius semper cum Te deum et Gloria in excelsis et Sequencia et Ite missa est solempniter celebratur //

41.] Item in nocte Natalis representacio pastorum fieri consueuit et in diluculo Pasche representacio Resurreccionis dominice et representacio peregrinorum die lune in septimana Pasche sicut in libris super hijs ac alijs compositis continetur.

42.] Solempnitas eciam cene et pedum ablucio fit in choro secundum quod in ordinali vel consuetudinario continetur.

43.] Die vero Pentecostes et tribus diebus sequentibus dum cantatur sequencia nebule consueuerunt dispergi.

44.] Decanus eciam dignitates suas et Capitulum dignitates suas et Canonici dignitates suas habent et exempciones suas habent sicut in consuetudinario habetur.

45.] Sunt igitur et alie consu*et*uciones[2] nouelle nostris quasi temporibus institute

46.] puta constituciones H. Archiepiscopi Cantuariensis domini pape legati et constituciones alie per domi-

[1]—[1] These words are added in the margin.

[2] The letters *et* are erased, as one step towards changing 'consuetu(dines)' into 'constituciones'.

LICHFIELD, c. 1190.

num H. Episcopum de consensu Capituli [1]sigillate pariter et seruate[1] que quidem et si non sint antique tamen sunt a Capitulo approbate /

47.] ad quas fideliter obseruandas singuli de capitulo [lf. 47a] *per sigillum capituli apponi se communiter obligarunt // in hijs [1]in[1] quibus compaciuntur vt in subsequentibus manifeste patebit

48.] solet eciam ignitegium qualibet nocte per annum pulsari set ante matutinas in estate in festis ix lecciones /

De personis dignitatibus et consuetudinibus in ecclesia Lich' statutis.

Personas et earum officia dignitates et consuetudines quibus ecclesia Lich' ordinatur et regitur iuxta instituciones Episcoporum Decanorum et Capituli approbatas presens tract[at]us explanat /

De quatuor personis principalibus /

(i.) Quatuor itaque sunt persone principales in ecclesia Lich' · Decanus · Precentor · Thesaurarius · Cancellarius

De officio Decani

(ii. 1.) Decani officium est cum[2] omnibus Canonicis vt in animarum regimine et morum correccione premineat, causas omnes ad Capitulum spectantes audire et iudicio Capituli terminare //

Excessus clericorum s[cilicet] in villa Lich̄ et in Parochijs Commune et in Prebendis per appellacionem corrigere · et delinquencium personas iuxta delicti quantitatem et personarum qualitatem digna animaduersione punire

Preterea Canonici ab Episcopo institucionem

a decano vero possessionem de prebendis accipiunt[3]

Decani eciam est canonicis iam institutis Communam ecclesie suo iure conferre

et eis stallum in choro et locum in Capitulo terminare[4] per ministerium Precentoris vel Succentoris

[1]—[1] These words are added in the margin.

[2] 'quod' *Dugd.* Here see *Liber Niger*, p. 280.

[3] 'cum consensu capituli' *add.* Dugd. [4] 'tradere' *D.*

Vicarias vacantes ad presentaciones Canonicorum pre- Lich-
sencium vel iusta et probabili causa vel de licencia decani FIELD, c. 1190.
et Capituli ob quamcunque causam absencium de clericis idoneis ordinare

Preterea nullus clericorum de superiore gradu vel de secunda forma in choro admittitur nisi auctoritate decani

Preterea omni dupplici festo absente Episcopo et in prima dominica Aduentus domini et in dominica Palmarum et in capite ieiunij et in tribus diebus ante Pascha et in vigilia Pentecostes et in anniuersarijs Episcoporum et Decanorum ecclesie et in exequijs Canonicorum decedencium diuinum tenetur exequi officium.

De officio Cantoris /

(ii. 2) Cantoris officium est[1] chorum in cantuum eleuacione et depressione regere vel per se vel per succentorem suum et in omni dupplici festo lecciones legendas canonicis presentibus iniungere.

[2]Cronica paschalia singulis annis mutare[2]

Cantores et lectores et Ministros altaris in tabula ordinare.

Ad illum eciam pertinet puerorum instruccio et disciplina et e[o]rumdem in choro admissio et ordinacio.

Preterea in maioribus festis dupplicibus tenetur interesse Regimini chori ad missam cum ceteris Rectoribus chori /

Preterea in omni dupplici festo Rectores chori de Cantubus iniungendis et incipiendis tenetur instruere

Preterea omnes cantus ab Episcopo incipiendos ipsi[3] Episcopo in propria persona tenetur iniungere.

[Here the copy of 1526 adds 'et canonicis inducendis stallum in choro assignare; Et inobedientes in premissis corripere et coercere.']

(ii. 4) De officio† . Thesaurarij. †*a word erased.*

Thesaurarij officium est ornamenta et thesauros ecclesie custodire

[1] 'Officium precentoris est vices decani absentis in ecclesia supplere,' *Dugd.*

[2–2] 'Cronica paschalia...mutare.' *omit.* 1526. [3] *corr. for* ipse.

LICHFIELD, c. 1190. luminaria ministrare per manus Sacriste de bonis assignatis sacristie.

(These 10 lines about the Sacrist are placed later in 1526.) Est eciam sacrista perpetuus et percipit omnia bona que sunt vel erunt assignata sacristie

qui inde debet Campanas ecclesie congrue suspensas in statu congruo sustentare et conseruare et earum vsibus necessaria prouidere

ornamenta eciam ecclesie suis expensis reficere

panem vinum aquam et candelam singulis altaribus ecclesie administrare.

*Lf. 47b. Incensum carbonem stramen *Juncum et Nattas per totum annum ecclesie comparare.

luminaria eciam ministrare videlicet

in festis dupplicibus decem cereos vltra magnum altare ad Missam et ad Matutinas et ad utrasque vesperas et ad Completorium / In xla et[1] super altare sancti Cedde duos cereos et super quodlibet altare vnum cereum inuenire

In festis vero ix leccionum ad Matutinas et ad Missam et ad vtrasque vesperas et ad completorium in xla iiijor cereos vltra magnum altare et duos cereos super candelabra portabilia.

et in omnibus Vesperis Matutinis Missis ad magnum altare et ad completorium per annum ijos. cereos super candelabra stantiua[2].

et in omnibus missis in Capitulo ijos cereos

et in sepulcro vnum cereum continue ardentem a terminacione Misse in die parasceues vsque ad diluculum diei Pasche //

Preterea magnum cereum paschalem

et omnes candelas in absconso in choro

et singulis noctibus post matutinas que dicuntur in media nocte vel in sero cuilibet canonico et vicario qui matutinis interfuerit candelam ad longitudinem vnius pugni et jus. pollicis

[1] 'ad completorium in Quadragesima; et' *Dugd.*

[2] 'stantia ad magnum altare; et ad completorium per annum duos cereos.' (1526)

et xx^{ti} iiij^{or} cereolos vltra magnum altare tribus noctibus ante Pascha LICHFIELD, c. 1190.

et viginti quinque candelas ad minus super hastam in die Natalis domini et sanctorum Stephani Johannis. Innocencium

et super quodlibet altare in ecclesia Licħ in festo sancti in cuius honore altare fuerit dedicatum ad Missam et ad Matutinas et ad vtrasque vesperas ij^{os} cereos

In die Purificacionis beate Marie cuilibet Canonico et vicario et alijs honestis proximis iuxta grauitatem eorum cereos singulos et pueris de choro candelas

Preterea coram domino Episcopo officium in stallo suo exequente ad vtrasque vesperas et ad Matutinas ij^{os} cereos tenetur ministrare //

lumen eciam tenetur inuenire ad omnes missas que in ecclesia Licħ celebrantur /

Preterea[1] vnam lampadem ante magnum altare et[1] vnam lampadem coram altari[2] sancti Cedde continue ardentes

et singulis noctibus vnam lampadem in vestiario et vnam lampadem ad altare sancti Thome tenetur inuenire //

Preterea in anniuersarijs Episcoporum Decanorum vel eciam Canonicorum qui fuerint in dignitate constituti quorum corpora requiescunt in ecclesia Licħ quamdiu cantatur Placebo et Dirige et Missa pro eis circa tumulos† eorum iiij^{or} cereos ministrare // †'et Missa pro eis tenetur' (1526).

Ad sacristam pertinent omnia crismalia et candele cum corporibus mortuorum

et ceragium quod elemosina carucarum nuncupatur ex hijs prebendis. scilicet Pipa maior Weford Freford Hyntes cum omnibus Capellis Wyrle Byssopeshul Stodfeld Coreburg^{s} La Saye Prebenda de Horebourne in villa de Licħ parochia decañ et tocius ville Licħ et de toto Manerio de Longedoñ.

et omnes candele que vbicumque in ecclesia Licħ offerentur nisi in altari beate virginis

et omnes candele que offerentur in capella de Stowa in

[1–1] *interlin.* [2] In 1526 'coram altari' is altered to 'ante altare.'

LICHFIELD, c. 1190.

festo sancti Cedde exceptis candelis fixis ad pedes ymaginis beati Cedde et in capella beati Michaelis

et omnium sponsalium et purificacionum dictarum prebendarum vbicumque in villa Lich̄ fiant

Debet eciam sacrista in omni dupplici festo quando fit processio in capis sericis capas ipsas Canonicis et clericis[1] cunctis liberare

et omnia que ad sacristiam pertinent prouidere

ecclesie custodes pro voluntate sua instituere

curam operis ecclesie[2] que pertinet ad opus ecclesie[2] vel per se vel per alios viros ydoneos et fideles tenetur

(h. e. cir. A.D. 1224—1240.) agere secundum quod statutum est a domino Alexandro Episcopo et capitulo

hec omnia tenetur Thesaurarius prouidere

(ii. 3) (The Chancellor is placed before the Treasurer in 1526. The duty of preaching is mentioned in this section.)

De officio Cancellarij /

Cancellarij officium est scolis regendis et libris corrigendis curam impendere /

lecciones ascultare et terminare

sigillum ecclesie custodire /

literas et cartas componere

et literas in capitulo legendas legere /

lectores in tabula notare //

omnes eciam lecciones ad missam que in tabula non scribuntur tenetur iniungere.

See Precentor (H. B.).

*Lf. 48ᵃ.

*De modo pulsacionis ad omnes horas in quolibet festo

Nota quod quater in anno solet ecclesia pannis sericis [3]et cortinis[3] adornari videlicet a Natali domini vsque ad Purificacionem beate Marie et in festo sancti Cedde et a Sabbato Pasche vsque ad octauam sancte Trinitatis et ab assumpcione sancte Marie vsque ad festum sancti Michaelis

et hoc fit per ministerium Sacristarum //

Pulsacio autem ad horas et alio modo facienda ad Thesaurarium pertinet

que quidem hoc modo fieri debet //

[1] *interlin.* [2–2] *interlin.* In 1526 it is made clear that this last-named duty belongs to the Treasurer himself, and not to the Sacrist.

[3–3] *interlin.*

In omni pulsacione ad vesperas preterquam ad vesperas in xl^{a} et in omni pulsacione matutinarum et prime hore diei et Collacionis in xl^{a} debet primus pulsus durare ad estimacionem itineris[1] j^{us} miliar' LICHFIELD, c. 1190.

et pulsus ignitegij fere tantum set non omnino† // †'pulsus ignitegii, sero, tantum' (1526).

Pulsatur autem ad omnes vesperas et ad matutinas iiij^{or} vicibus videlicet primus pulsus fit per campanam minimam in ecclesia maiore Secundus per campanam dulcem ad estimacionem i^{us} quarentane vel fere . tercia pulsacio per aliquam grossarum campanarum / quarta vero per classicum racionabili interuallo nullatenus pretermisso

Completorium vero per illam campanam per quam sonatur nona

sexta non pulsatur

tercia vero per campanam dulcem debet pulsari

Magna vero missa quelibet classicum idem habet que fit ad matutinas et ad vesperas

idem eciam fit in fine magne misse

et hic modus pulsacionis locum habet in omni festo ix leccionum et quocienscumque chorus regitur //

excepto quod quando Inuitatorium a tribus cantatur primus pulsus ad vesperas et ad matutinas fit per duas minimas campanas / Reliqui autem pulsus sequntur formam simplicium festorum ix leccionum

hoc adiecto quod si ferietur aliquod simplex festum ix leccionum prima hora et nona et completorium fiunt per aliquam magnam campanam . si vero non feriatur iste tres pulsaciones fiunt per[2] campanam dulcem

eodem eciam modo fiunt pulsaciones set in dupplicibus festis campanis dupplicatis /

Adiciuntur eciam quedam videlicet

quod in nocte Natalis domini et omnium sanctorum et nocte Pasche pulsatur classicum ab omnibus campanis que fuerint in ecclesia ante primum pulsum ad matutinas ceteri autem pulsus sequntur modum pulsacionis[3] festorum dupplicium.

[1] 'iterneris' (sic) *interlin.*

[2] 'aliquam' *struck out.* [3] *interlin.*

LICHFIELD, c. 1190.

In festis vero ix leccionum non solempnibus pulsantur sequencie

In festis vero iij leccionum quando chorus non regitur non pulsatur magna campana in tercio pulsu ad vesperas /

Pulsaciones vero ad processiones[1] ad missam beate virginis fiunt ter alternatim per aliquam magnam campanam.

Item si contingat quod feretrum debeat per aliquas partes remotas diocesis ad elemosinas colligendas deportari solempnis debet fieri pulsacio quando feretrum offertur[2] et quando refertur.

et hoc semper obseruandum est quandocumque aliquod feretrum infertur //

Ad processiones autem[3] que fiunt[3] in simplicibus diebus et in tribus diebus ante ascencionem domini et quando cantantur *sente*ncie sequencie et Te deum vel in solempnibus festis ix leccionum pulsaciones fiunt per campanam dulcem et sociam suam

(dotted underneath.)

In processionibus que fiunt in festis dupplicibus pulsantur tantum due magne campane.

In processionibus vero que fiunt veneracionis causa pulsantur omnes campane quocienscumque dominus aliquod miraculum per beatum Ceddam dignatus fuerit operari.

In anniversarijs autem et pulsacionibus pro mortuis iuxta quod dignitas personarum requirit discrecio attendenda est secundum exigenciam racionis

set hoc maxime attendendum est quod nulla penitus fiat[4] pulsacio antequam pulsetur ad missam beate virginis nec postquam *completorium pulsetur nisi casus inportunus et inopinatus ecclesie contigerit quod deus auertat

*Lf. 48b.

Providere eciam tenentur sacristarij vt omnes pulsaciones suis temporibus fiant per totum annum tam de die quam de nocte /

De dignitate ecclesie Lichifeld

(iii. 1) Dignitas autem[5] ecclesie Lichfeld' hec est quod qui-

[1] 'et' *Dugdale.* [2] 'affertur' *Dugd.*: mox, 'inferetur vel afferetur.' [3–3] *interlin.* [4] *interlin.* [5] *interlin.*

cumque Capellanus notus vel ignotus in aliquo altari principali t[ame]n[1] altari excepto celebrauerit omnes oblaciones argenti que sibi offerentur ad vsus suos libere poterit retinere nisi pro aliquo quinque capellanorum celebrauerit requisitus // LICHFIELD, c. 1190.

Archidiaconi officiales (ii. 5)

Archidiaconi officiales s[un]t[2] domini episcopi quorum officium in exterioribus administracionibus consistit.

[The 1526 copy adds 'excepto archidiacono Cestrie, qui suam possit residentiam primam facere, ratione sue prebende de Bolton, archidiaconatui annexe.']

[3]De officio subdecani

Subdecani officium est si decanus defuerit ecclesie debet vices eius supplere[3].

De officio succentoris

Succentoris officium est vices Cantoris absentis supplere (ii. 6)

scolam cantus per officialem suum regere

omnes eciam cantus debet iniungere qui in tabula non scribuntur

[4]et prouidere debet quod representacio pastorum in nocte Natalis domini et miraculorum in nocte Pasche et die lune in Pascha congrue et honorifice fiant[4]

modum autem et ordinem omnium processionum que fiunt per annum prouidere.

Lecciones que in dupplicibus festis legentur et in missis iniungere /

Tempus autem incepcionis missarum et omnium horarum considerare et obseruare

omnes eciam cantus incipere ex parte sua in festis iij leccionum[5] cum Nocturno exceptis et Gr[c] et Tractus[5] et Alleluia que quidem omnia incipi debent ab illis qui ea sunt cantaturi secundum quod eis fuerit iniunctum /

Item singulis diebus sabbati postquam dicitur Bendic'

[1] 'tantum' *Dugd.* [2] 'et' *Mart.* (*Schalby*). [3–3] *omit* D. [4–4] *omit* Dugd. [5–5] 'responsoriis exceptis; Gloria, Kyrieleyson' *D.* Bradshaw reads '[Gl]or[ia], Tractus.' It appears to me more like 'et *Gradale* et Tractus.' (C. W.)

LICHFIELD, c. 1190. in capitulo tenetur succentor ordinare coram omnibus seruicium tocius ebdomade sequentis

De dignitate Decani ecclesie Lichefeld

(iii. 2) Dignitas decani est vt primam vocem habeat in capitulo tanquam capud capituli

et eidem in choro vel capitulo intranti vel transitum ibi facienti clerici omnes tenentur assurgere

et chorum ex parte occidentali intrantes vel exeuntes eidem inclinare.

[Space for rubric left blank.]

Dignitas item decani est et omnium Canonicorum vt episcopo in nullo respondeant nisi in capitulo et iudicio tantum capituli pareant.

habeant eciam curiam suam in omnibus prebendis suis et dignitatem Archidiaconi vbicumque prebende assignate fuerint in diocesi Licħ siue in ecclesijs vel decimis vel terris ita quidem vt nulla omnino exigencia in domo vel in assisa[1] vel aliqua alia consuetudine ab Episcopo vel ab aliquo alio fiat in prebendis eorum set omnes libertates et omnes dignitates† plenarie et pacifice habent[2] quas hucusque consueuerunt habere[3] scilicet vsque ad mortem H de Pateshul episcopi Licħ.†[3]

†'sed omnes dignitatis libertates' *Dugd.*

†h. e. 7 Dec. 1241.

[4]Preterea si decanus siue quicumque Canonicus per aliquam prebendarum transitum fecerit de iure[5] et de dignitate sua debet ei hospicium a canonico cuius fuerit prebenda per vnam noctem honorifice exhiberi siue fuerit canonicus presens siue absens // Et si culpa ipsius Canonici vel seruientis sui in hospicio sicut decet non fuit admissus // illius noctis expense Canonico super hoc conquerenti de prebenda ipsa iudicio capituli in integrum restituentur. Per aliam quoque noctem siue alias si racionabilis causa exegerit fratri et Canonico suo hospitalitatis graciam tenebitur exhibere et si necessitas euidens appareat equos eidem debet inuenire //[6]

[1] 'dono vel assignatione' *Dugd.* [2] 'habeant' *D.* [3–3] omit *D.* [4–6] *omit* D. [5] *interlin.*

Item cum Decanus fuerit in villa non debet classicum ad vesperas et ad Matutinas pulsari quousque constiterit sacristarijs[1] de presencia eius in choro vel de absencia eius voluntaria vel necessaria / quia postquam classicum pulsatur nullus erit vlterius expectandus nisi dominus Episcopus solus cum fuerit in villa. //[2] LICHFIELD, c. 1190.

Copied from John de Schalby's book at Lincoln, where it occupies the three leaves left vacant by Schalby. The handwriting of this part is of the latter half of the xivth century. Finished April 13—14, 1883, at Cambridge.

Henry Bradshaw.

NOTE.

The Duty of the Chancellor (p. 20) is given with more fulness in the revised statutes sent to Wolsey in 1526 and printed in the new Dugdale (vi. p. 1256):—

"Officium Cancellarii est, sive residens, sive non extiterit,

lectiones legendas in ecclesia, per se, vel per suum vicarium auscultare, male legentes emendare;

scolas conferre;

sigilla ad causas et negotia conservare;

literas Capituli facere et consignare sicut inferius continetur;

libros servare,

quotienscunque voluerit prædicationes in ecclesia vel extra ecclesiam prædicare, et cui voluerit prædicationis officium assignare; ita tamen quod in assignatione hujusmodi, canonicos omnibus extraneis, si aliquis eorum prædicare voluerit, anteponat: salvis tamen et reservatis Decano duobus diebus de quibus inferius [p. 32] est expressum."

[1] 'sacristarium' *Dugd.*

[2] At the foot of the page is written in a sixteenth century hand '*Liber Willm̃i Snawdun no[ta]rij pu[bli]ci.*' (He was Chapter-Clerk at Lincoln and died in 1559.)

Select Statutes.

Lichfield.

The following is the selection made by Mr Bradshaw from the collection of Statutes sent from Lichfield to Cardinal Wolsey in 1526, exclusive of that earlier portion which has been given from the copy at Lincoln. He has copied it from the latest edition of Dugdale's *Monasticon* vi. pp. 1257—1266, only correcting the text in a few instances and omitting certain passages which he perhaps considered of less importance for comparison.

[*Item de dignitate Decani Lichfeld.*]

[*Item de dignitate Decani Lichfeld.*]

Item, ob honorem domini episcopi, nullus præsumet deferre librum deosculandum eidem episcopo, vel textum post evangelium, nisi decanus, vel ille cui decanus in hac parte detulerit; aut, eodem decano absente, senior canonicus illud officium exequetur.

Item decanus habet curam archidiaconalem in ecclesia et villa Lichfeldiæ in omnibus.

Item, cum omnes alii executores divini officii, sive canonici sive vicarii, in vestiario capas sericas in festis ix. lectionum ad vesperas et ad matutinas induere debeant, capitulum in ultimo stallo versus orientem ex parte chori, et collectas ad lectrinum[.]

Solus decanus, ex dignitate sua, nec ad capam induendam, nec ad capitula nec ad collectas dicendas, stallum suum mutabit, sed cum reverentia ad eum est capa serica, praecedentibus cereis, deferenda:

et semper, cum ad vesperas vel ad matutinas celebra-

verit, excellentiorem canonicum qui præsens fuerit, secum habebit, qui in altari incenset cum eo, et etiam postmodum reversi fuerint in choro. LICHFIELD, c. 1190, [codified in 1526.]

Item canonicus, quicumque fuerit, cum principali rectore chori, decanum in stallo suo incensabit, ceroferariis coram stallo suo cremantibus, quousque *Benedicamus* dictum fuerit.

Item, quotienscumque chorus incensatur, ex quacunque parte fuerit, semper erit decanus primus incensatus, et primus textum deosculabitur, et primus pacem ad missam recipiet, et semper dicet *Confiteor*, tam ad completorium quam ad primam, nisi episcopus præsens fuerit, cui omnes honores sunt et reuerentiæ non immerito exhibendæ;

nec est lectio ad collationem terminanda, quousque decanus, si præsens fuerit, dicat *Tu autem Domine*, vel excellentior canonicus, qui præsens fuerit in choro lector, *Miserere nostri.*

Decanus jurisdictionem archidiaconalem habet in præbendis canonicorum, et in ecclesiis ad communiam pertinentibus, ita quod eas visitare tenetur, et officium archidiaconi penitus exercere, et procurationes recipere, et causas parochianorum præbendarum, per appellationem ad eum devolutas, judicio capituli terminare.

[*De Dignitate .v. Capellanorum.*]

[*De Dignitate .v. Capellanorum.*] iii. 3.

Dignitas autem quinque capellanorum hæc est, quod nullus præter ebdomadarii licentiam in magno altari celebret, episcopo tantum et decano exceptis, quorum interest in majoribus duplicibus festis divinum officium exercere:

veruntamen in omni duplici festo tenetur ebdomadarius rogare aliquem canonicum capellanum pro eo officium exercere, et in vigilia Paschæ et Pentecostes et in die Cinerum et in tribus diebus ante Pascha.

Si vero canonicus capellanus præsens non fuerit, vel non poterit exequi officium, quinque capellani tenentur in capitulo providere, quod gravior persona post canonicum officium exequatur:

LICHFIELD, c. 1190. [1526]

quinque autem capellani providere tenentur, quod ille qui vacuus fuerit missas celebret in capitulo, quæ ibi fuerint celebrandæ.

Copied from the new Dugdale's *Monasticon* viii. 1257, where it forms the conclusion of the second portion of what are called the 'Statuta Hugonis Novant (Nonant) Episcopi' [1188—1198] in the collection sent up to Cardinal Wolsey by the Bishop, Dean, and Chapter of Lichfield, Dec. 19—22, 1526. [Hugh de Nonant, Bp of Lichfield, had been Archdeacon of Oxford in the diocese of Lincoln, 1183—1188.]

H. B.

Sequuntur Statuta Hug. Patshull Episcopi. (A.D. 1239—41.)

[*De Vicariis.*] cir. 1240.

[*De Vicariis.*]

De vicariis vero ecclesiæ Lichfeldensis statutum et ordinatum est, quod vicarii assidue intersint horis ecclesiæ nocturnis pariter et diurnis;

et si frequenter absentes fuerint, corripiantur tanquam perjuri, vel amoveantur a choro, nisi rationabili causa fuerint excusati;

et hoc per arbitrium decani et capituli sit discussum.

* * * *

The paragraphs here omitted by H. B. relate to Vicars Choral neglecting their duties, taking books from the quire, declining to put on the copes allotted to them. 'Omnes seculares clerici, vocati vulgariter Clerk vikkars' are to be tabled for mass of the Blessed Mary. None to bury in the Cathedral yard without permission. *Monast.* vi. 1257—8.

Vicarii de novo instituendi, præsentari debent in capitulo, sed non nisi decano ibi præsenti, vel, eo absente, præsidenti capituli;

et debet ab ipso canonico, vel ejus procuratore solenniter præsentari, nisi culpa ipsius canonici exigente, per decanum et capitulum vicarius præsentetur:

quo quidem præsentato, debet decanus [ve.] præsidens

injungere præcentori, vel succentori præsenti, quod eum experientiæ causa, per aliquod tempus ipsum in choro admittat, et in tabula ponat, ad cantandum et ad legendum solum, et quandoque cum socio: LICHFIELD, c. 1240. [1526]

qui, si non fuerit idoneus, recedat licentiatus solenniter a decano, vel secrete.

Si vero repertus fuerit ydoneus ad cantandum et legendum, succentor, cum testimonio chori, eum tanquam ydoneum præsentabit decano et capitulo;

et tunc ad decanum pertinet, ipsum tam de moribus, quam de susceptis ordinibus, examinare; et si nichil canonicum obstiterit, vicarium admittere, et ab eo sacramenta recipere; scilicet

quod servicium ecclesiæ sustentabit pro posse suo rationabili,

et quod fidelis erit ecclesiæ Lichfeldensi,

et quod obedientiam decano et capitulo exhibebit,

et statuta dictæ ecclesiæ illi concernentia fideliter observabit.

Et sciendum quod vicarius toties sacramentum iterabit, quociens servicium suum mutabit.

[*De Installatione Canonici.*]

[*De Installatione Canonici.*]

Admissio et installatio canonici est, videlicet quod cum canonicus installandus literas episcopi patentes, decano et capitulo directas, super collatione alicujus præbendæ, sibi ab episcopo facta, et assignatione stalli in choro et loci in capitulo facienda, in ipso capitulo publice exhibuerit, decanus vel præsidens eum admittat;

qui, assumpto habitu debito, secundum anni tempora, quatuor sacramenta præstabit;

primum, quod iura et libertates ecclesiæ Lichfeldensis servabit, et defendet, et manutenebit contra omnes homines pro posse suo rationabili.

Secundo jurabit, quod consilia capituli celabit.

Tertio, quod antiquas et approbatas consuetudines, et alias per decanum et capitulum communiter statuendas, pro viribus servabit.

LICHFIELD, c. 1240. [1526]

Quarto, quod obedientiam decano et capitulo devote servabit:

quibus sacramentis præstitis, decanus eum installandum præcentori vel succentori per manum committet, qui eum in stallo suæ prebendæ assignato, per manum ponat, sic dicendo,

'Dominus custodiat introitum tuum, et exitum tuum, ex hoc nunc et usque in seculum';

et sic genuflectant, dicendo Orationem dominicam,

et tunc surgant, et capitulum adeant;

et decanus, vel præsidens, eum per manum accipiat, et ei in capitulo locum, secundum senioritatem, assignet.

Deinde, si domos habeat suæ præbendæ annexas, decanus, vel ille cui decanus præceperit, ipsum in corporalem possessionem domorum inducat;

vel ille canonicus accedat ad locum præbendæ cum literis decani, possessionem corporalem accepturus.

Sciendum est quod quilibet canonicus ista quatuor sacramenta toties iterabit, quotiens præbendam mutabit.

Et sciendum est quod quilibet canonicus dabit vicario suo ad minus xx^{s}. pro stipendiis suis, nisi vicarius idem fuerit sacerdos qui in officio sacerdotali debet ministrare, et tunc canonicus dabit ei stipendia largiora, secundum quod convenerit inter eos.

Et si canonicus vicarium non habuerit, vel per totum annum, vel per aliquam partem ejusdem pecuniam quam vicario præstare deberet, †de† xx^{s}. dabit capitulo in usus ecclesiæ convertendos,

seniores vicarii convenienter obsecrandi sunt per canonicos.

si vero a quotidiano servicio, vel horis canonicis, sine rationabili causa, sæpius defuerint, et a decano correpti, hoc non emendaverint, corrigantur eorum delicta secundum quod superius continetur.

Here follows, in the Dugdale copy, a list of the Order of the Stalls (vi. 1258^{b}): also the Lichfield *gestus clericorum in choro;* the Sequence of Colours (which Dr J. Wickham Legg

has printed); and classification of feasts with Rulers. There is also (p. 1260) the Sarum rule *de mutatione chori* which we have noticed above at Lincoln (in the 'Black Book,' p. 391, cf. 128, 129) and *quis persona dicat* Confiteor. LICHFIELD, c. 1240.

Next come:

Statuta Domini Rogeri Meuland Episcopi.
(A.D. 1256—1295.)

[*De Decano ecclesiæ Lichfeld.*]

[*De Decano ecclesiæ Lichfeld.*]

Insuper volumus, ordinamus, et statuimus, quod decanus in ecclesia continuam residentiam faciat;

et hoc juret quilibet decanus, tempore suæ creationis,

adhibito tamen moderamine absentiæ suæ, sicut inferius continetur.

Cujus decani officium erit

excessus canonicorum, vicariorum, clericorum, et deservientium in ecclesia corrigere, de consilio et assensu fratrum residentium in eadem;

et canonicos instituendos per ipsum sacramentum recipere,

capitula ordinare,

dispersa congregare,

jura et libertates ecclesiæ defendere et tueri;

et jurabit, quod habebit in se patientiam et humilitatem fratres suos cum debita mansuetudine et benignitate tractare.

Missas in duplicibus festis majoribus, ut antiquitus usitatum est, celebrare; vel aliquem de confratribus canonicis, si ad hoc dispositus non extiterit, per ebdomadarium, ut id faciat, interpellare;

pro negotiis ecclesiæ diligenter et fideliter laborare.

Præbendas ecclesiæ modo consueto visitare, cum moderamine tamen familiæ, et evectionum, sicut inferius continetur.

Canonicis inducendis locum in capitulo assignare.

LICHFIELD, c. 1260—90.

In prima Dominica de Adventu, et in die Cinerum, si voluerit, personaliter prædicare [1];

quod si Cancellarius noluerit prædicare, tunc in illis duabus diebus decanus, quem voluerit, prædicatorem assignet; ita tamen quod extranei[s] canonici, si prædicare voluerint, secundum statum et gradum ipsorum, omnibus præferantur.

* * *

The remainder of the Statutes of Bp *Roger Meuland*, omitted by H. B., relate to the following:

The keys of the Common Chest: *Distributio communæ*. All canons, resident or non-resident, are to have Vicars. The Five Priest Vicars. Jurisdiction of Dean and Chapter in matrimonial causes. The Dean visits the city and prebends. Rights of one dying Canon. Payment of costs. *Compotus* at the yearly audit. Notice of Chapter meetings. *De firmis*. Privileges of individual canons (to have a book and light in choir, &c.). Dilapidations. Behaviour of Vicars. The *clericus communæ*. Retirement *apud le Stowe* for broken-down Vicars.

Then follow *Statuta Walteri Langton Episcopi* (A.D. 1296—1322. Dugd. *Monast.* vi. p. 1261).

Duty of the Dean to celebrate, and to entertain. He is not to dismiss a Vicar without the consent of the Chapter: to give notice of his Visitation; not to interfere with the Treasurer, &c. Management of the water supply. Protestation of Residence. None to be a Canon unless he can spend clear 40 *l.* yearly 'ne ad instar apis inofficiosi, seu verius fuci, alienos labores intrando, vel de apiario, unde mellificantes sponsæ nostræ [eccl. Lich.] prædictæ, et laborantes die nocteque in vinea Domini vivere et sustentari deberent, comedere et devastare videatur.'

Then *Statuta Domini Will. Heyworth Episcopi* (A.D. 1420—1447, Dugd. *Monast.* vi. p. 1262). These relate chiefly to the dignity of divine service. Mattins to be said immediately

[1] The 1st Sunday in Advent and Ash Wednesday are among the Chancellor's preaching turns at Lincoln. But at Lichfield (see the extract from these same statutes of 1526 printed on p. 25) they are the Dean's days, if he pleases. If not, he gives the Chancellor the first refusal.

after compline on five days only in the year, lest on other days the night should be spent in excess. The Morrow Mass to be said daily at 5 a.m. by the chaplain of St Chad's chantry. Other chantry priests from 6 to 10 a.m. Canons &c. to wear their habit. The better ornaments to be used on Double and Principal feasts. The residents are not to make division of the goods belonging to the fabric. The Canon's entrance fee of 100 marcs is to be devoted to the ornaments and fabric funds. Canons to attend Chapter-meetings when summoned. The *forma Ordinalis Sarum* to be used in future. Disputes to be settled. The rights of one dying a Canon, as laid down by Bp Roger. Vicars, having complaints, to bring them before Chapter &c. For the future the vicar of the vicar-stall of Offeley is to be examined like the rest. The Succentor and likewise the Dean's Vicar, the Chancellor's, and the Treasurer's, to be in priest's order, and to wear amesses *de calabur*. LICHFIELD.

Statuta Domini Reginaldi Butler Episcopi (A.D. 1453—1459. Dugd. *Monast.* vi. 1263). Recites his predecessor Bp Heyworth's statute on Disputes, and the Canon's oath to keep the secrets of the Chapter, as contained in Hugh Pateshull's statutes, announces penalty of suspension for infringement. (Bp Reginald's name was '*Bolers.*')

Statuta Domini Johannis Hals Episcopi (A.D. 1459—1493. *ibid.* vi. p. 1264).

Canons not to employ a Canon's discharged servant. Only responsible persons to be admitted to the Treasurer's lodgings. A new parchment Register of Lichfield Statutes to be made. The close not to be defiled with dust and rubbish. The choral habit to be worn. Vicars to attend service. Chantry priests not to go out of the city without leave.

Then follow statutes of the bishop who was Wolsey's contemporary:

Statuta Galfridi Blithe Episcopi (A.D. 1503, usque ad 1526. Dugd. *Monast.* vi. p. 1264 *b*).

Divergences from Sarum use in singing &c. to be reformed, the Sarum *Ordinale* to be adhered to[1], except on the feast of

[1] Geoffrey Blythe's brother John had been Bishop of Salisbury 1493—99. He had himself been prebendary and dean of York.

LICHFIELD.

the patron (St Chad), SS. Catharine and Nicholas, and three days after Whit-Sunday. Farms to be let with a view to the profit of the parishioners &c. The *sigillum ad causas* to be more safely kept. Another seal *pro officio communiarii* to be provided. Ministers of the Cathedral not to sleep in the city. Vicars and chantry clerks not to receive a woman in their gardens without chaperons. A register for statutes, muniments and benefactions to be provided. Chantry clerks to join the choir at mattins after compline on the eve of Trinity and Corpus Christi, according to the requirements of provincial constitutions. Canons to contribute $\frac{1}{2^5}$ of their stipend for five years to renew the stock of copes. Choristers to say mattins and vespers of our Lady *secundum usum Sarum* daily *in capella divæ Mariæ* (founded cir. 1321)[1].

The Ratification by Dean and Chapter of Lichfield, Chapter House, 19 Dec. 1526.

Confirmed and sealed by the Bishop, Chapter House, 22 Dec. 1526.

Juramentum Episcopi præstandum ante Ostium Ecclesiæ.

Ego N. Episcopus Coventriæ et Lichfeldiæ, ero fidelis ecclesiæ Lichfeldensi;

jura et libertates ejusdem defendam contra universos, pro posse meo;

possessiones dictæ ecclesiæ injuste dispersas, et facultates ejusdem prave alienatas congregabo.

Statuta et statuenda, ac consuetudines antiquas, approbatas et assuetas ecclesiæ præfatæ, cum ea vel eas noverim, observabo.

Possessiones ad mensam meam episcopalem spectantes, non alienabo,

sicut me Deus adjuvet, et hæc sancta Dei Evangelia.

Juramentum Decani.

Ego N. decanus ecclesiæ Lichfeldensis in eadem ecclesia debitam continuam residentiam, secundum morem et consuetudinem ejusdem, faciam;

[1] On the Hours of the Blessed Virgin see H. Bradshaw's papers on the *Hibernensis*, Cambridge 1893, p. 55.

et ero fidelis eidem ecclesiæ:

secreta ipsius capituli non revelabo:

statuta ejusdem et statuenda, cum ea scivero, omniaque jura et antiquas ac approbatas et assuetas consuetudines et libertates ecclesiæ præfatæ, contra universos, pro posse meo, servabo et defendam;

mihique subjectos, ut id faciant instruam;

et possessiones ejusdem ecclesiæ injuste dispersas, facultatesque prave alienatas, pro posse meo, congregabo;

humilitatem et patientiam in memetipso custodiam;

et ad hoc custodiendum subjectos meos excitabo.

Sic me Deus adjuvet et hæc sancta Dei Evangelia.

Juramentum Canonici.

Ego N. [ero] obediens decano et capitulo Licĥ in canonicis mandatis;

jura et libertates ecclesiæ Lich' defendam contra universos pro posse meo;

statuta et statuenda et consuetudines antiquas et approbatas, cum ea vel eas noverim, observabo:

fidelis ero ecclesiæ Lichfeldensi.

Secreta capituli non revelabo;

sic me Deus adjuvet et hæc sancta Dei Evangelia.

Juramentum Vicarii.

Ego N. ero obediens decano et capitulo ecclesiæ cathedralis Lichfeldensis in canonicis mandatis;

fidelis ero ecclesiæ Lichfeldensi;

servitium tam diurnum quam nocturnum sustentabo, pro posse meo rationabili;

sic me Deus adjuvet et hæc sancta Dei Evangelia.

THE CUSTOMS OF HEREFORD CATHEDRAL.

Consuetudines et Statuta ecclesiæ Herfordensis.

(Collected in the time of John de Aqua Blanca, Dean, cir. A.D. 1280. With additions in 1390.)

Here-ford.

I owe it, in the first instance, to the kindness of the Bishop of Hereford that I am enabled to present to the reader a copy of an early collection of the Customs of his cathedral church.

The Dean and Canons have further put it within my power to make a comparison of the Bishop's copy with other manuscript copies, and the British Museum and the Parker collection at Cambridge have helped in contributing to the production of what I may almost venture to call a critical edition of the text.

The late Dean Merewether[1] has told us that this book of Customs was supposed to be the compilation of some of his predecessors in the Deanery of Hereford, and in particular of John de Aqua Blanca, who held the deanery for some time in the 13th and 14th centuries[2].

There is a slight indication, which scarcely perhaps deserves the mention which I shall give it in a note below, that the first part at least of these statutes was rightly or wrongly supposed to be connected with a somewhat earlier date, namely the period 1240—60 when Peter de Egeblanke (P. de Aqua blanca, or de Aqua bella) was Bishop of Hereford.

This antient book of Customs which we are printing in

[1] *On Pilgrimages.* Archæologia xxxi. p. 251.

[2] According to Le Neve's *Fasti* ed. Hardy, J. de Aqua Blanca was dean from 1278 to 1320. However the will of his uncle Peter the Bishop speaks of him as dean as early as 1 July 1266.

the present section of this volume has been to a great extent superseded since the Reformation (1) by a code of statutes reduced to order in the early part of 1582—3 and published under the authority of Q. Elizabeth, 11 April 1583, and (2) by a revision of the said Elizabethan statutes effected under the influence of Archbishop Laud. HEREFORD.

This Laudian revision is at present the received code of the Chapter and Church of Hereford, and I think it worth while to say something about it in this place.

The work of revision was committed to Bishop Wren on Laud's suggestion in 1634, and was carried out by him, but not finished till after his translation to Norwich.

When completed it was signed by Archbishop Laud and stamped with Royal Authority at Westminster, 31 May 1636, not many days before the death of Wren's successor Theophilus Field, and while the deanery of Hereford chanced to be vacant. These statutes were promulgated after the installation of a new dean (Dr Jonathan Brown) in 1636—7.

The Laudian Code at Hereford follows the Elizabethan Statutes chapter by chapter, and (for the most part) paragraph by paragraph. It introduces such modifications as to residence, stipends &c. as the times seemed to require. In substance the Elizabethan Code may have agreed with the earlier Customs so far as a post-reformation document could agree with one of the old *régime:* but it is remarkable that it seldom (if ever) adopts the actual language of the antient *consuetudinarium.* But when we come down to Wren's revision we recognise several quotations from the pre-reformation Customs introduced into, and in part superseding, the text of 1583.

Besides the matters already mentioned, the revision of 1636 enlarges upon such topics as the following: the Vacancy of the Deanery, Studies of the Subcanons, the Cathedral School, Preaching, Patents of offices, grants of Reversions, the position of the *Custos Vicariorum.* It forbids the abbreviation of the Cathedral services, and (as might be expected of any work in which William Laud and Matthew Wren had a hand) it breathes something more of the spirit of the old customs *de gestu in choro* than had inspired the Elizabethan compilation.

These Latin statutes of 1636 have been printed, with an

HEREFORD. English version, by the late Dr Jebb (Chancellor) and Mr H. W. Phillott (prebendary of Gorwall, Chancellor and canon residentiary of Hereford); Parker, 1882, and we need not repeat them here.

It may be convenient however to give a brief notice of the volume principally used by Dr Jebb for the Laudian Statutes, as well as for the transcript of the text of the XIIth—XIVth century Customs which we have now printed below. The MS. volume, which contains a transcript of all three collections, formerly belonged to Hugh Hanmer Morgan, prebendary of Putson minor 1808, and chancellor of Hereford 1830. After passing through Dr Jebb's hands it came into the possession of the Rev. W. F. Powell, prebendary of Pionia parva in Hereford Cathedral, and is now in the possession of Chancellor Phillott. It is a quarto MS. of the early part of the 18th century, and contains a copy of

1. The early *Consuetudines de Capitulo et de Choro Eccl. Cath. Herefordensis* (printed below). pp. 1—38.

2. Injunctions of K. Edward VI. (Oct. 1547). pp. 41—46.

3. Injunctions of Richard [Pates] Bp of Worcester, Commissioner for Cardinal Pole, 17 July 1556. pp. 47—51.

4—6. Injunctiones sive Statuta Ecclesiæ Cath. Hereford. (capp. i—xiii).—Collegii Vicariorum Choralium ejusdem Ecclesiæ (capp. i—vi)—et Domus eleemosynariæ Sti Æthelberti ibidem. (Royal Letter of Q. Eliz. 6 Mar. 1583.) Published 11 Apr. 1583. pp. 53—120.

7. Statuta Ecclesiæ Herefordensis by Bp Wren, Abp Laud and K. Charles I. (as printed by Jebb and Phillott), 1636. pp. 125—229.

A contemporary copy of No. 7 (the Laudian revision), as Mr J. A. Herbert informs me, is in the British Museum, Add. 5506, f. 6 (*olim* f. 72)—f. 50^{b}.

A quarto volume of Hereford Statutes was sold in Mr F. H. Dickinson's collection, 10 Nov. 1886. It contained, so far as my information extends, only the Caroline or Laudian Statutes.

It may be convenient to give here the titles of the Chapters in the Elizabethan Code of Hereford Statutes, and to note in each instance such sections of the Laudian revision as are either inserted or considerably modified.

Injunctiones sive Statuta. A.D. 1583. HEREFORD.

Cap.

i. Qualitates in futuris Præbendarijs et Canonicis Ecclesiæ Cath. Herefordens. (§§ 2—4 introduced in 1636 from the oldest *Consuetudines.* §§ 6, 10 altered at end.)

ii. Circa Officium cujusque privatum.

iii. Circa Officium publicum. (§§ 5, 7 revised; 9, 10 new.)

iv. Leges jurisdictionem respicientes. (§§ 2, 4 new.)

v. De Bibliotheca. (§ 1 revised. Some passages omitted.)

vi. De Gymnasio sive Ludo literario. (§ 1, omission; 3, 4, additions.)

vii. Statuta circa Pietatis quædam Exercitia. (§§ 3—5, 8, 11, 12, 14 new; 7, 13 revised.)

viii. De Concionibus Sacris. (§ 6 revised at end; 7—10 new.)

ix. De Prælectione sacra. (§ 1 at end, 2, 5 new; 3 revised.)

x. De bonis immobilibus sive fundis et prædiis Ecclesiæ. (§ 1 at end revised; 6 at end new; 7, 8, 11, 12, 14 at end, 15, 17.—A Table of *Salaria* &c. introduced in 1636.)

xi. De bonis mobilibus ad commune Ecclesiæ et Collegii vicariorum choralium spectantibus.

xii. De Statutis et eorum Observantia. (After § 2 a passage about the Oath was introduced in 1583. This is omitted in 1636; § 4 added.)

xiii. De Statutorum Interpretatione. (The conclusion new.)

HEREFORD.

Injunctiones sive Statuta magis peculiariter ad Vicarios Chorales et alios Ministros ['Ministros et alios' 1636] *Collegii Herefordensis spectantia.* A.D. 1583.

Cap.

i. De publicis Precibus. (§ 3 new in 1636.)

ii. De Piis Exercitiis. (§ 1 revised; 3 new.)

iii. De Beneficiis Curatis ['et Organistæ Stipendio' *add. in appendice* 1583]. (§ 2 revised in 1636 and incorporated in the text.)

iv. De erratis quibusdam et Scandalis evitandis. (§ 2 revised at end; 5 new.)

v. De re familiari Collegii ejusdem administranda ['et de Portis occludendis' *add.* 1636]. (§ 5 new; 7 revised; 9, 10 in part; and 11—13 new.)

vi. De re familiari ejusdem Collegii tuenda.
Tenor juramenti. (This last in 1636 is introduced in the Statutes of St Ethelbert's Hospital i. § 10.)

Pierre d'Aigueblanche[1] left behind him, though not in England, an entire set of Statutes which are found to all appearance exactly in the condition in which he left them at his death in 1268. I refer to the rules or constitutions which, as founder and '*patronus*,' for the Collegiate Church of St Katherine at Aiguebelle, he provided and sealed on the 21st of April 1267, within two years of his decease.

About the year 1257—8 he had suffered from an illness which Matthew Paris considered that he justly deserved, and he was absent from Hereford in 1258—62. At that time he founded his college at Aiguebelle in the diocese of Maurienne.

That society, according to his statutes, consisted of a Provost, Chanter, and Treasurer with ten other prebendaries.

The Treasurer of Aiguebelle was not required to be in priest's orders, but five *prebende presbiterales* were provided and four canons were required to be priests as a general rule.

[1] M. Mugnier says that it is surprising that the Bishop of Hereford fixed the site of his foundation (the newer Aqua bella) at Randers across the Are at the entry to Maurienne, and not at Tarentaise in his own country where the earlier Aqua bella was, with a religious foundation of some 150 years' standing. (*Les Savoyards*, p. 227.)

Suitable prebends also were provided for the four deacons and the four subdeacons[1]. HEREFORD.

The annals of the Canons of Aiguebelle, down to the Revolution in 1792, have been collected by M. François Mugnier, who gives the text of their Latin statutes in *Les Savoyards en Angleterre* au XIII^e^ siècle, et P. d'Aigueblanche évêque d'Héreford (pp. 299—307)[2]. I have not been able to detect anything either of verbal connexion or of similarity in style sufficient to establish the theory that Peter de Egeblanke their author was the composer of any portion of the Hereford Statutes; nothing at least so far as the text existed in the fourteenth century, and I know of no reason to think that there was any root and branch alteration in the interval.

He had reserved the right to correct the statutes for St Katherine's Aiguebelle in the course of ten years after their date, but he did not survive to exercise this right of revision. A few extracts are given below in the footnotes. They will be found sufficient to illustrate the difference of style between the constitutions of the two places. There is indeed the provision that a Savoyard canon should be permitted to count, as equivalent to statutable residence, his absence upon the affairs of the *patronus* of his prebend; a provision which may possibly have enabled in some cases a visit to be made to Hereford, or a temporary residence to be kept in that city.

And we find moreover one closer bond of fellowship with the English Church of their Founder, namely the adoption of the Use of Hereford in Savoy:—

"Omnia vero officia ecclesiæ in matutinis, missis, et in omnibus aliis horis fiant *secundum consuetudinem herefordensis ecclesiæ* ut in libris ordinatum invenietur; et, si libri in ordinatione discordent, Cantor ordinet et concordet libros prout viderit expedire..." (p. 303).

[1] 'When about the time of Urban II. (1088—99) the subdiaconate began to be accounted as a sacred order, a small number of sub-deacons were attached as prebendaries to some cathedrals; but originally canons could only be presbyters and deacons.' *The Cathedral*, E. W. Benson, D.D., p. 73.

[2] *Les Savoyards en Angleterre*, par F. Mugnier (Paris, Champion; Chambéry, Ménard) 8°, 1891.

HEREFORD. "Item officium antiphonarii, legendarii, martilogii in capitulo, et gradalis in missa, et troparii, et officium B. Mariæ V., et officium mortuorum fiet et servietur secundum modum et consuetudinem *herefordensis ecclesiæ*, et legenda tam de Sanctis quam ferialibus per totum annum secundum eandem *consuetudinem* herefordensis ecclesiæ legetur prout in libris ordinariis ordinatum invenietur." (Statutes of the Collegiate Church of St Katherine d'Aiguebelle A.D. 1267, ed. Fr. Mugnier, pp. 303—4.)

The editor tells us (p. 245), on the authority of one of their successors, that the Canons of St Katherine's College, Aiguebelle, officiated according to the rite of Hereford until June 1580[1].

I will proceed now to give the text of the earlier *consuetudines* of Hereford, that is to say those of the thirteenth century, from a manuscript of the fourteenth or early fifteenth century in the British Museum (Reg. x. A. xi. 2).

This copy, which I shall denote as '*B*,' has been written at the end of an older volume of sermons bought by W. Reed, Bp of Chichester, from T. Trillek, Bp of Rochester, about 1370, and bequeathed to the Master and Priests of Trinity College, Chichester, by the said Bishop 'William III.' in 1386.

On the back of leaf 258 our Hereford Customs are commenced in a peculiar 14th—15th century hand. They conclude abruptly at the foot of leaf 263[b] in such a manner as to make it pretty certain that a leaf or so has been lost at the end.

Fortunately we are still able to recover the concluding portion not only from those later transcripts which I shall presently mention but from a MS. of equal, or not improbably of earlier date. I refer to '*S*,' a manuscript which has recently come into the possession of the Dean and Chapter of Hereford as a gift to their Cathedral library by the Rt Hon. Lady Saye and Sele in remembrance of her husband, formerly Archdeacon and Canon Residentiary, who died 26 May 1887[2]. *S* is

[1] *Mémoire concernant le vénérable Père Galbert* par M. Pointet, chanoine de Ste-Catherine, 1772, p. 9.

[2] We owe to the Rev. Walter Howard Frere, M.A., a collation of this MS., and Canon Phillott has kindly undertaken to compare it with the text as we are printing it. A few varieties of spelling (*compoto*, *inmediate*,

ascribed by Mr Walter Howard Frere to the earlier part of the fourteenth century. It contains many late marginal notes in various hands. These consist for the most part of an analysis of the contents. Some at least of the later entries are described as bearing at least a resemblance to the handwriting of Abp Laud. HEREFORD.

A transcript of about A.D. 1550 in a clear regular scrivener's style is preserved (as document 37 = leaves 485—515) in MS. vol. 120 in the Parker Collection at Corpus Christi College, Cambridge, a volume entitled '*Statuta Ecclesiarum Cathedralium.*' For a careful transcript I am indebted to my friend Mr Alfred Rogers, and to the assistance of the late librarian Mr S. S. Lewis. This I have called '*C.*'

I have had by Canon Phillott's kindness the use of the 17th or 18th century copy to which I have previously referred as containing the full series of Hereford Statutes. This may be called '*H.*' A still more recent transcript '*J*,' which was kindly lent me by the Bishop of Hereford, has a special value as being in the handwriting of the late Dr Jebb, who expended some critical skill upon it.

I have noted in the margin by numeral references not only the pagination of the earliest known copies *S*, *B* and *C*, but the few passages in which the old collection of Customs and the Laudian (or revised Elizabethan) Code, printed by Jebb and Phillott, cover somewhat similar ground.

optinuit, *optenta*, *optulit*, *set* for 'sed') it seems sufficient merely to mention in this place as occurring in *S*.

* *S*, lf. 1[a]; C. C. Coll. Cam. MS. 120, fo. 485.

*[Hic incipiunt Consuetudines et Statuta Ecclesie Cathedralis Herefordensis.

In Nomine Domini,]

† Brit. Mus. Reg. x. A. xi. fo. 258[b]. [Consuetudines Capituli.] Cf. 1636 i. 2; but not contained in 1583.

†HEC[1] sunt Consuetudines et Statuta Her[fordensis][2] ecclesie.

Vacante prebenda in ecclesia Her[fordensi], ad Dominum Episcopum spectat collacio:

quam cum quis ex sua collacione optinuerit, se Capitulo debet presentare, cum literis domini episcopi, Decano et Capitulo directis in hec verba.

·A·[a] Dei gracia her[fordensis] Episcopus[3] ·B·[a] Decano

[1] 'Hee' *S*.

[2] In MS. *B* (Brit. Mus. Reg. x. A. xi.) the Latin name for Hereford is invariably abbreviated "Her'." In MS. *S* in the Cathedral Library it is always "Hereford'" or "Herefordʼ." Medieval authority for that spelling may also be found on the seal of P. de Aigueblanche 1242 and 1251, figured by Mugnier, and in old monuments in the Cathedral Church itself. So also it is "Hereford'" in MS. *C* (the sixteenth century transcript at Corpus Christi Coll., Cambridge), although 'Herford' or 'Helford' is preferred by some scholars on what I believe is fully sufficient ground. Thus Dr Henderson has been careful to give us '*Missale Herfordense*,' because that was the form in the book which *he* was transcribing. For the very same reason I have printed '*Consuetudines Eccl. Hereford.*' In MS. *S* it is once '*Hereford*,' occasionally '*Heford*,' but ordinarily in the form '*Heford.*'

[a–a] The initial '*N*' is used here in MS. *B* for all these cases. I have adopted in the text the more convenient distinction of various letters, as in the Bishop's copy. 'P. dei gr̃a hereforden' ep̃us, N. Decano heref.' as we read in *S*, *C*, points perhaps to some time when the deanery was vacant in the episcopate of Peter de Egeblank, who was consecrated in Advent 1240 and died 27 Nov. 1268, when his body was interred at Hereford and his heart sent to his college in Savoy, which he had named after his native place Aqua bella, Aqua blanca, or Alba aqua in the same country. Ancelin became Dean of Hereford some time before 1247, so we may perhaps refer these statutes to the early years of P. de Egeblanke, or cir. 1240—45. Some trace of a connexion with Savoy appears in the next generation when, in 1307, John de Aqua Blanca, dean of Hereford, acts as attorney for Peter de Sabaudia, prebendary of Church Withington. In MS. *S*, the initial "*N*" is used in every case; excepting for the Bishop in this passage, where "*P*" is used, as in the Corpus MS.

[3] *omit* 'Episcopus' *S*.

her[fordensi], et eiusdem loci Capitulo, Salutem in domino. HEREFORD.

Noueritis [vos][1] intuitu caritatis dilecto filio ·C·[a] tali contulisse prebendam que fuit ·D·[a] talis vacantem: Vnde uobis mandamus, quatenus dictum ·C·[a] recipiatis in fratrem et [in] canonicum:

stallum in choro et locum in capitulo eidem assignantes[2].

Datum Anno tali et cetera.

Et tunc Decanus si presens fuerit, vel eo absente *Ebdomadarius, vna cum Capitulo deducent eum in Capitulum[3], vbi se representare debet, processionaliter in habitu canonicali, cum psalmo *Miserere* [*mei Deus*, l.] ad stallum in choro ei assignandum[4]. *C, fo. 486. See 1636 i. 2; but not in 1583.

et ipso ibidem[5] prostrato dicetur Oracio super eum.

Deinde reducitur in Capitulum, vbi ei suus locus assignatur.

Deinde per Decanum / vel Ebdomadarium si decanus non fuerit presens / inuestitur[6] per textum de spiritualibus bonis ecclesie: et postea de temporalibus per panem.

Deinde iurat[7] ad sancta Dei ewangelia sub hac forma.

Ego talis ·B·[a] fidelis ero decetero huic[8] sacrosancte Her' Ecclesie,

et antiquas ac racionabiles eiusdem[9] consuetudines pro uiribus obseruabo

et statuta ipsius tenebo, maxime que sunt auctoritate apostolica confirmata[10]. Sic me Deus adiuuet et sancta Dei[11] ewangelia.

Postea admittitur ad osculum ['unum' *S*] pacis[12] a singulis.

[1] nos *add J*, vos *S*, *interlin.* [a] See note [a] on p. 44.
[2] assignantes: *S*, *over an erasure.* assignañ: *C.*
[3] 'capitulo' *S*, *C.* [4] sibi assignatum: *S*, *J.* sibi assignand' *C.*
[5] *non habet H.* [6] 'et vestitur' *C.* [7] 'iuratur': *H.* iuret: *S.*
[8] *non habet H.* [9] ecclesiæ *S*, *J.*
[10] Apostolica *crossed through and* 'Regia' *in marg. S.* 'regia conformata' *C.* [11] hec sancta *S*, *C*, *J.* [12] *interlin. B.*

HEREFORD. Deinde exponuntur ei quedam consuetudines et statuta precipua: alia addiscat[1] per experienciam.

* *S*, lf. 1b. Hijs quidem sic peractis offerat vel non *offerat residenciam.

Cum personaliter iurauerit percipiet paruam communiam. Sed si per procuratorem fuerit installatus[2], non percipiet paruam communiam [3]nec aliam communiam aliquam[3] quousque personaliter supradictum prestiterit sacramentum[4].[5]

See 1636 i. 3; omitted in 1583. Nec debet aliqua installacio fieri clandestina per aliquam personam forinsecam:

quod si fiat, irrita habeatur et inanis:

sed semper per Decanum, vel Ebdomadarium si decanus

a–b debent fieri *S*. presens non fuerit, et Capitulum[a] fieri debent[b] installaciones. Alioqui censebitur[6] prebenda vacans, quousque sub hac forma fiat installacio.

PRIMUM quidem Statutum quod ei exprimitur[7] est, quod non reuelet secreta capituli.

Aliud est, quod si audiuerit[8] a canonico sinistra[9], personam dicentis...non reuelabit ei, de quo sinistra audiuit[10];

[1] addiscet *S*, *C*. [2] *omit H*. [3–3] *omit H*.
[4] juramentum *H*.
[5] Prefixed to these statutes in the MS. copy in Corpus Christi College Library at Cambridge there is a memorandum relating to admission by proxy:

* MS. 120, fo. 485. **Installacio vnius Canonici per procuratorem.*

Quando novus Canonicus debet Installari per procuratorem,

Debet se presentare in Capitulo coram Decano et Canonicis ibidem presentibus, seu Ebdomadario cum Notario, et cum Choro eiusdem ecclesie cum literis Dñi Episcopi.

Quibus visis et lectis, prestet Juramentum.

Et deinde Decanus vel Ebdomadarius cum aliis Canonicis deducat illum in Stallum sibi assignandum in Choro in hac forma.

Stallum Prebende de parua N. debitum assignamus vobis in Choro in nomine domini tui,

et sedeat in Stallo suo, et postea locum in Capitulo.

Et hec sufficiunt ad installationem per procuratorem.

[6] 'alioquin' *S*, *C*. 'sencebitur' *C*.
[7] exprimetur *H*. [8] audivit *H*.
[9] 'de concanonico' *add S*, *H*. 'sinistra canonico' *C*.
[10] 'audiverit' *S*, *C*.

poterit tamen secrecius caritatiue que audiuit[1] eidem referre. HEREFORD.

Item quod in mensa sua[2] non detrahet, vel detrahi permittet (quantum in ipso est) fratri suo.

*Item quod non perquiret, nec perquiri procurabit, communiam suam per superiorem contra consuetudinem ecclesie. * MS. C, fo. 487.

Item, si super communia sua oriatur questio, quod stabit iudicio et ordinacioni Capituli, nec conuolabit ad superiorem.

Item, si oriatur discordia inter canonicum et canonicum, quod per simplicem querimoniam [3]non conueniet[3] vnus alterum, nisi coram Decano et Capitulo: quibus iusticiam non exhibentibus poterit per appellacionem ad superioris[4] examen conuolare.

Quia vero in communia[5] est diuersitas et pro eius diuersitate consuetudines diuerse:

Sciendum[6] quod communie[7] tres sunt differencie.

Est autem[8] quedam communia que dicitur parua: et illa [9]debetur cuilibet †canonico, postquam[9] personaliter iurauerit (vt supra dictum est). Constat autem hec communia in prestacione bladi et viginti solidis annuis[10]. Bladum autem debetur ei totum qui erit canonicus et iurauerit, a festo sancti Michaelis vsque in festum omnium Sanctorum. † S, lf. 2. Cf. i. 5.

Et si duo consequenter fuerint in illo tempore canonici viui, uel vnus mortuus et alius uiuus, pro rata temporis inter duo festa[11] predicta quilibet percipiet.

‡Viginti autem solidi predicti sic debent solui. ‡ B, p. 259.

In festo omnium Sanctorum debet solui dimidium marce illi qui tunc fuerit Canonicus iuratus uiuus uel mortuus, et alia dimidia marca[12] in Annunciacione similiter, et tercia dimidia marca in Natiuitate sancti Johannis similiter.

[1] 'audiverit' *S, C.* [2] *omit H.* [3–3] *om. H.*
[4] superius *J.* [5] communa *S, C.*
[6] *add* est *S, H.* [7] commune *H.*
[8] enim *J.* [9–9] '[non *H.*] debetur...priusquam' *J.* *omit* 'personaliter' *C.*
[10] 'vigintis solidorum annuatim' *H.*
[11] 'festa' *over an erasure S.* [12] aliud dimidium marce *J.*

HEREFORD.

Istud uero bladum cum denarijs predictis de dominicis[1] quatuor maneriorum canonicorum debet prouenire. Fit autem talis distribucio predicti bladi.

De manerio de Prestone ·iiij· summas frumenti, et ·ij· summas aueñ[2].

De Nortoñ ·j· summam frumenti, et dimidiam summam aueñ.

De Pyonia ·j· summam frumenti, et ·j· summam auenar*um*

De Hope[3] dimid' summam frumenti, et dimid' summam mixtill', et ·j· summam auene.

* *C*, fo. 488. (Cf. Jebb and Phillott, p. 32.)

Preter hec debet *firmarius de Pyonia ·xiij·[4] summas et dimidium auen*arum*[5] [de augmento] distribuendas inter Residentes[6].

Alia autem dicitur maior communia, et consistit in distribucione bladi et denariorum: et in quibusdam aliis minutis uictui necessarijs: et debetur tantum in ecclesia residentibus et continue in ipsa deseruientibus uere uel interpretatiue: et quandoque singulis diebus, aliquando post ebdomadam, [et][7] aliquando post[8] mensem distribuitur, prout deseruiencium commoditas et temporum requirit oportunitas: que etsi cotidie non distribuatur tamen pro cotidie distribuitur, et ideo Cotidiana dicitur.

Dicuntur autem uere residentes qui personaliter in ecclesia morantur sequentes ipsius officium.

† (Contrast iii. 5.)

Interpretatiue autem, qui secundum consuetudinem ecclesie per ·xvj· septimanas fuerint absentes†, secundum quod inferius plenius exprimetur, vel qui (petita licencia in capitulo) sunt in peregrinacione, vel qui de licencia capituli sunt absentes pro expediendis ecclesie negocijs: vel qui sunt absentes studiorum causa de licencia Capituli.

[1] dominiis *H*. [2] auenar' *C*. [3] hõp: *S*.

[4] tres *de dci* (underlined) and illegible marginal gloss, *S*, probably merely a mistake for 'tresdecim'; which *C* copies 'tres dci.'

[5] *add* de augmento: *S*, *J* treat it (wrongly) as the commencement of a new sentence. The grain from the farmer of Pyon was to be distributed among the Residentiaries by way of addition to their allowance.

[6] Residentiarios *J*. [7] et: *C*. [8] per: *C*.

Est autem ecclesie consuetudo talis quod parato aliquo per totum annum residere, considerato anni principio a festo sancti Michaelis vsque ad festum sancti Martini, idem potest esse absens ipso anno per ·xvj· septimanas non continuas sed vtiles †sed interpollate†[1]. HEREFORD.

Ita uidelicet quod absencia ·vij· septimanas non excedat[2], infra quas per literas suas patentes vel per Canonicum ab eo in capitulo procuratorem constitutum resignare poterit[3], si uoluerit: quod si fecerit admittitur eius resignacio: et extunc nichil percipiet de maiori communia, quovsque veniens, et residenciam offerens, admissus fuerit ad eandem.

Et idem postea quandocunque veniens et residenciam offerens admittitur[4] et extunc personaliter poterit esse absens computato toto tempore vsque ad ·xvj· septimanas completas per totum illum annum prout *superius dictum est. * *C*, fo. 489.

Et si necesse habuerit, cum per aliquod temporis[5] resederit, et iterum se absentauerit poterit iterum resignare infra alias ·vij· septimanas. Ita quod bis in anno, secundum quod pretaxatum est, admittitur eius resignacio.

Incipit autem tempus absencie currere tercio die recessus sui. Verbi gracia / si die Dominica ‖recedat, die Martis sequenti incipit tempus absencie: et tunc vltimum tempus resignacionis incidit in diem Lune, qui est vltimus dies septem septimanarum, post quem non admittitur eius resignacio. ‖ *S*, lf. 3.

Si autem infra ·vij· septimanas nec redierit nec resignauerit: poterit continuare tempus absencie sue vsque ad ·xij· septimanas. [6]Infra quas si[6] non redierit, transactis illis ·xij· septimanis abiudicabitur. Et si in vltimo die ·xij· septimanarum, vel infra, redierit, continuaturus residenciam, et resederit, nichil subtrahitur ei de maiori (an erasure or cancelling corr. illegible)

[1] 'septimanas non continuas sed interpollate' *H*. 'septimanas non continuas sed utiles' *S*. 'septimanas sed vtiles' *C*.

[2] excedit: *C*. [3] potuit: *S*. [4] admittatur: *C*.

[5] tempus: *C*. *Mox* 'residerit' *S*.

[6–6] 'Ita quod si infra duodecim septimanas' *S*, *C*.

HEREFORD. communia, et poterit residuum ·xvi· septimanarum recipere: scilicet quinque semel[1], uel pluries infra eas[2]: ita quod ad vltimum in vltimo die illarum ·v· septimanarum oportebit illum redire et Residenciam continuare vsque ad festum sancti Michaelis. Quod si non fecerit, extunc[3] habebitur pro forinseco seu abiudicato.

† *B*, fo. 259b. †Est autem hec pena abiudicati quod quandocumque (siue illo anno, sive in alio) veniens et residenciam offerens, admittetur: sic quod ille qui infra ·xij· septimanas, sicut predictum est ad residenciam[4] reuersus non fuerit, tunc residebit in ecclesia per totidem tempus, scilicet[5] [per] ·xij· septimanas continuas, sequens totum officium nocturnum et diurnum nichil percipiens de maiori communia.

Ac si per ·xvj· septimanas fuerit absens, nec resignans nec rediens infra easdem, prout dictum est, hec exsequetur[6] * *C*, fo. 490. pena, quod ueniens et residenciam offerens *tanto tempore[7] scilicet ·xvj· septimanis continuis residebit in ecclesia totum Ecclesie officium nocturnum et diurnum [peragens][8], nichil percipiens de maiori communia

nisi Decanus et Capitulum, pensata ipsius obediencia et deuocione, penam inflictam pro parte duxerint[9] abbreuiare.

Est autem consuetudo Ecclesie talis: quod bis in anno ab yconimis[10] seu balliuis redditur computacio de hijs que ad maiorem spectant communiam: scilicet de redditibus perquisitis et alijs: semel in festo sancti Michaelis: ita quod nullus canonicus qui personaliter[11] computacioni non interfuerit, aliquid percipiet de debito[12] illius computacionis.

nisi residens [13]infirmus fuerit[13] et in ciuitate.

Idem obseruatur de oblacionibus trium dierum pentecostes.

[1] semell: *C*.
[2] quas: *S*, *C*.
[3] *non habet* C.
[4] residendum *S*, *C*.
[5] per: *C*.
[6] exequ*en*tur: *S*.
[7] 'saltem septem' *H*.
[8] *non habent* S, C.
[9] dixerint: *S*, *H*.
[10] yconiis: *S*.
[11] *om*. H.
[12] debet: *S*. de debet: *C*.
[13] fuerit infirmus: *S*.

Secunda computacio fit in festo Annunciacionis: et de debito[1] illius computacionis percipiet[2] quilibet canonicus qui residens computatur porcionem ipsum contingentem, siue interfuerit[3], siue non interfuerit personaliter. HEREFORD.

Sciendum autem quod si Canonicus iuratus primam obtulerit residenciam, quacunque hora anni, tenetur residere per ·xl· dies continuos et interesse toti[4] officio nocturno et diurno nec recedere a civitate nisi ex vrgente[5] necessitate / et tunc de licencia Capituli speciali[6].

Incipiet autem percipere de distribucione bladi maioris communie hoc modo:

Equabuntur omnes tallie residencium vsque ad quantitatem maioris tallie, et sic equalitate per liberacionem facta incipiet nouus turnus, de quo incipiet suis loco et tempore[7] percipere.

Et similiter fiet cuilibet, quandocunque residenciam offerenti, de dicta bladi distribucione. Debet autem fieri *turnus per liberacionem vnius summe de Mora et de Madelley[8] per liberacionem duarum uel trium ad plus. *C, fo. 491.

Item quod redditus ecclesie forinseci, pertinentes ad maiorem communiam, tribus anni terminis soluantur: scilicet

in festo omnium Sanctorum
in Annunciacione, et
in Natiuitate sancti Johannis baptiste.

De hijs redditibus plenam ‖percipiet porcionem Ca- ‖ S, lf. 4.
nonicus qui in predictis terminis inuentus fuerit residens.

[1] de debet: *S*, *C*.
[2] percipit: *S*.
[3] personaliter siue non: *S*.
[4] toto *C*.
[5] nisi exurgenti: *S*.
[6] The constitution given by P. de Aquablanca Bp of Hereford to the Collegiate Church of St Katherine d'Aiguebelle, 21 April 1267, was in the following terms:—'Residebit autem quilibet canonicus et persona per quatuor menses integros et continuos primo anno quo fuerit institutus nisi iusta causa fuerit impeditus, aliis autem annis sequentibus quolibet anno residet per iiij^{or} menses integros sed non continuos si voluerit.

'Si facta prima residentia defecerit, sequentibus annis in residentia facienda (prout dictum est) solvat pro qualibet die xviij denarios.' *Les Savoyards en Angleterre*, Fr. Mugnier 1891, pp. 300, 301.
[7] suo tempore et loco: *S*.
[8] Madel': *S*.

HEREFORD. De perquisitis autem que diuersis anni temporibus excrescunt percipiet pro rata temporis quo obtulit residenciam suam.

Et sciendum quod
in Assumpcione beate Marie, et
in Natiuitate beate Marie
debetur cuilibet Canonico residenti una marca, que de computacione festi sancti Michaelis sequentis facienda debet emergere, si ad tantum sufficiant ['et' *S.*] redditus et perquisite in dicto computo.

Consistit autem ista communia que maior dicitur in annuo redditu denariorum [iiij][1] de ·iiij^{or}· manerijs canonicorum, et de perquisitis, et de grangijs de Mora et Maddell': videlicet de garb'[2] ibi collectis, de oblacionibus ad maius altare prouenientibus[3] per annum: et de terris canonicorum apud Eglitone et apud Hamme[4]: et de ecclesijs canonicorum, videlicet

Ecclesia beate Marie Magdalene cum
decimis nundinarum, et
Ecclesia de Lydēn[5]
et cum decimis molendinorum domini Episcopi, et de ·iij· marcis annuis de hospitali de Ledebur'.

Est autem tercia distribucio communie que dicitur cotidiana: et consistit in pane et in blado pro recompensacione[6] seruisie [7]et in denarijs missalibus.

C, fo. 492. Debetur autem panis et sereuisia siue *bladum pro seruicio[7] canonicorum qui interfuerint Matutinis, siue fuerit residens, siue non: dummodo in habitu suo fuerit, et in choro, nisi immediate succedat canonico mortuo, qui secundum ecclesie consuetudinem per annum et diem post mortem percipiet [8]quicquid viuus perceperit[8]. Durante autem[9] tempore predicto Canonicus mortuo succedens nichil percipiet.

[1] iiij^{or}: *S.* [2] decimis *S*, *C*, *H*, *J*.
[3] pervenientibus: *S.* [4] haunne: *S.*
[5] lideneia: *S.* [6] *per* recompensac*ionem*: *S.*
[7–7] A line has dropped out here in B. ceruisie: *S.*
[8–8] *non habet* C. [9] enim *S*, *C*.

Poterit autem quilibet Canonicus per singulas[1] ebdomadas per vnam noctem quam elegerit abesse (exceptis festis ·ix· leccionum et festis iij leccionum in tempore paschali, et[2] cum regimine chori) sine subtraccione[3] cotidiane distribucionis. HEREFORD.

Si aliquis Canonicus ex decreto Capituli steterit in seruicio Ecclesie[4] extra ecclesiam: quamdiu steterit in predicto seruicio nichil subtrahitur ei de nocturna distribucione: si uero ante reditum suum ad ecclesiam ad propria diuerterit negocia expedienda[5]: extunc nichil percipiet de nocturna distribucione.

Canonici ecclesie balliui, quia rei publice utilitati intendunt, cotidianam distribucionem recipiunt, licet matutinis non intersint. Si uero balliuus circa negocia propria absens fuerit, vltra quindenam, nichil percipiet de nocturna distribucione.

Decanus similiter, siue presens fuerit, siue absens, quia negocijs Ecclesie specialiter debet intendere, nocturnam distribucionem integre percipiet.

Item si Canonicus sibi minuerit ·iij· noctibus sequentibus nichil subtrahitur[6] ei, etsi matutinis non intersit[7], si in ciuitate permaneat.

Item si Canonicus in ciuitate infirmitate detentus,

[1] *error corr.* B. [2] *omitt.* 'et' *S, C.* [3] substraxione: *S.*

[4] 'Item quando persona vel canonicus non residebit ordinet vicarium suum in prebenda sua et ordinare teneatur in ordine et gradu quem sua prebenda requirit et in isto casu canonicus ubicumque fuerit habeat iiij^{or} libras si fuerit in scholis vel servitio patroni vel in servitio ecclesiæ sive resideat sive non, postquam primam residentiam fecerit; si vero non fuerit in scholis vel in servitio patroni vel capituli ex dictis iiij^{or} libris solvat xl. solidos, qui quadraginta solidi cum illis xviij denariis quos debet solvere quilibet canonicus pro defectu residentiæ, canonicorum residentium usibus applicentur; et si nollet solvere dum præsens erit cessetur a divinis. Si vero absens fuerit et solvere noluerit per capitulum compellatur per subtractionem prebendæ fructuum. Si autem fecerit ecclesiam cessare, pro qualibet die qua cessabit ecclesia, solvat xx [denarios] quos volumus residentium usibus applicari ut supra.'

Statuta R. in Xpo P. D. Petri de Aquablanca Epi He[re]fordensis et fundatoris Eccl. Coll. S. Catherinæ Aquebellæ A.D. 1267 ed. Mugnier, *Les Savoyards* &c. p. 301. [5] 'expendienda' *S.* [6] subtraetur: *S, C.*

[7] int*er*sint: *S.* intersunt: *C.* Cf. iii. 4.

HEREFORD. ecclesiam frequentare nequiuerit, omnia percipiet tanquam presens esset in choro: exceptis denarijs missalibus et distribucione Anniuersariorum, et distribucione facta in
† *B*, fo. 260. die sancti †Laurencij que debentur solis presentibus.

* *C*, fo. 493. Item[1] *Canonicus, de licencia Capituli gracia peregrinacionis indulta, omnia percipiet tanquam esset presens, exceptis denarijs missalibus [et distribucione] Anniuersariorum, et distribucione facta in die sancti Laurencij, et oblacione ·iij^{um}· dierum pentecostes, que omnia solis presentibus debentur.

Scolaris tamen de oblacionibus[2] pentecostes percipiet[3].

Item Canonicus qui petita licencia a Capitulo et obtenta studio moratur [4]pro tempore[4] a Capitulo sibi indulto, cotidianam panis distribucionem percipiet, sive servisiam
‖ *S*, lf. 5. vel bladum[5] pro seruicia ‖deputatum.

De oblacionibus pentecostes et computacione festi sancti Michaelis nichil subtrahetur ei: eo quod in negocijs Ecclesie militare intelligitur[6].

Vnde autem proueniat predicta cotidiana distribucio sic duximus[7] exprimendum:

de decimis ecclesiarum de Prestoñ et de Blakemar'[8] ·xxiiij· summe frumenti et mixtillioñ, secundum quod decime se extendunt in frumento uel mixtill'[9].

Item de ijsdem ·lij· summe[10] aueñ[11].

[12]Item de decimis ecclesie de Nortoñ ·xlviij· summe frumenti et mixtill'[13], secundum quod decime se extendunt in frumento et mixtill'[13].

Item de ijsdem ·xxx· summe aueñ[14].

Item de decimis ecclesie de Pyonia ·c· summe fru-

[1] Item si *C*. 'si' *erased* S.
[2] oblaciones: *B*. de oblacione *H*. de oblacionibus *S*, *J*.
[3] percipiat *C*. [4–4] *om*. H.
[5] sive cervisiam vel panem *H*. sine seruisia uel blado pro servisia deportato *B*, *S*.
[6] intellegatur: *S*, *C*. *Mox* Unde vero *J*. [7] diximus *C*.
[8] Blackemer *C*. Blakme: *S*. [9] mixtilioñ: *S*. mixtillion *C*.
[10] *omit* S. [11] auene *J*. auenarum *C*.
[12–14] *omit* S. [13] vel mixtillioñ *C*.
[14] avenarum *C*.

menti et mixtillion̄ secundum quod decime se extendunt in frumento et mixtill'. HEREFORD.

Et de ejsdem xxiiij summe auen*arum*[a] scilicet [a] Item *S*, *C*.

de decimis ecclesie de Hope ·iiij^{or}· et xx summe, et ·x· frumenti et mixtill' secundum quod decime se extendunt in frumento et mixtill' et totidem de auen̄.

Item ad hec assignatur ecclesia de Mardeñ[1] cum pertinencijs suis: exceptis minutis decimis et oblacionibus que vicario assignantur de quibus *reddet[2] pistrino ·xv· solidos annuos. *C, fo. 494.

Item dominicum de Broyntoñ[3] cum redditu hominum eiusdem tenementi[4].

Item decime de Donintoñ[5] que consueuerunt tradi ad firmam pro ·xx· solidis.

Item ecclesia de Vptoñ, cum omnibus pertinencijs suis, exceptis minutis decimis de dominico[6] et oblacionibus que assignantur uicario vnde ipse reddit ad maius altare ecclesie herefordensis ·xx· solidos annuos.

Item assignantur ad idem [decem][7] trugge frumenti de prebenda de Hyntbridge[8]: de prebenda de Hamptoñ ·x· trugge frumenti et ·xx ·auen̄.

de prebenda de Bolinghope[9] ·x· trugge frumenti et ·xx· auene.

de prebenda Hyntoñ ·x· trugge frumenti et ·xx· auene.

de prebenda de Wellingtoñ[10] ·x· trugge frumenti et ·xx· auene.

de prebenda de Weram[11] ·x· trugge frumenti et ·xx· auene.

Item de redditu assiso in minimis particulis cum ecclesia de Vpton[12] que ponitur ad firmam pro ·viij· marcis, et

decimis de Donington̄[13] que ponuntur ad firmam pro ·xx· solidis · et

[1] maurdin: *S*. [2] reddit *C*. [3] Broy*n*toñ *S*, *C*.
[4] tenenti *C*. [5] Donnington Doni*n*tone: *S*. Donintoñ: *B*.
[6] et Dominico (*bis*) C. [7] 'x' *interlin.* S.
[8] *dotted as doubtful.* 'Hyntebege' *B*, *C*. hynteb'ge: *S*.
[9] Bolynghope *C*. Bullinghope *H*. (The order here in the text is the order in MS. *B*. In *H*, *S*, *C* Wellington and Weram are placed before Bolinghope and Hynton.) [10] Welintoñ: *S*.
[11] Werhm̄: *C*. [12] Hôpton *H*. [13] Donyton *C*.

HEREFORD. cum redditu assiso pertinente ad ecclesiam de Mawrdeñ, ·xlij· libras ·xij· solidos et ·vj· denarios.

Item de dominico domini Episcopi ·xxxij· thraue[1] innagij· et totidem de aueñ.

Bladum assignatur ad panem de grangia de Mora ·xx· summe frumenti, que debent solui pistrino de thrauis[2] domini Episcopi predictis.

De grangia de Maddell'[3] ·xx· summe frumenti.

De dominico de Prestoñ ·xx· summe frumenti.

De dominico ['manerii' *S.*] de Hope xxiiij summe frumenti.

De dominico manerij de Pyoñ[4] ·xvj· summe frumenti et ·viij· trugge[5].

De dominico manerij[6] de Nortoñ ·x· summe frumenti.

Item de decimis cuiusdam terre adquisite prebende
* *C*, fo. 495. minori de Mortoñ ex[7] *dono Dauid de Aqua, ·ij· summe
Cf. vi. 3. (xxiij. Feb.) et dimidium frumenti[8] ad symineles[9] faciendos in festo sancte Milburge.

Item de ·iiij^{or}· manerijs, ·viij· summe mixtilli, ad distribuendum pauperibus in Anniuersarijs Godyne[10] et Wluine[11].

Item de Mora ·vij· summe mixtilli ad distribuendum
(13 Nov. 1216.) pro anima Egidij episcopi in Anniuersario suo.

Notandum si Canonicus in principio anni obtulerit residenciam et continuauerit, poterit de licencia Capituli ipso anno in Anglia secundum Ecclesie consuetudinem, vnam peregrinacionem facere. Si autem in pascha[12], uel circa, residere inceperit, propter temporis breuitatem nullam recipiet peregrinacionem ipso anno.

Hoc prouiso a Capitulo circa[13] numerum studencium et peregrinancium[14]: quod Ecclesia non destituatur debito seruicio et consilio.

[1] thraues iñnagij: *S.* [2] tharnis: *S.* thraues *C*, *H*.
[3] Maidell' *C*. [4] Pyoyne *S*, *C*.
[5] trugges: *S*. [6] manerio *C*. [7] de *C*.
[8] moline *add* H. [9] symilos: *B*. symeneles: *S*.
[10] I cannot feel sure whether this name is Godwin, or Godiva who gave Preston to the Chapter.
[11] Tolune *H*. [12] paschal': *S*. [13] 'citra' *struck out*.
[14] 'peregrinacionem' *B*, *S*. 'peregrinationum' *C*.

HEREFORD. ‖ *S*, lf. 6.

‖Tempora autem peregrinantibus indulta sunt hec.
In Anglia ·iij· septimane.
Parisius ad sanctum Dyonys̃[1] ·vij· ebdomades.
Ad sanctum Edmundum Pontinaco[2] ·viij· septimane[3].
Rome, et ad sanctum Jacobum ·xvj· septimane.
Ierosolimis / vnus annus.

Tempus uero indultum scolaribus hoc est:

Cum Canonicus in ecclesia per triennium residenciam fecerit / si doctus sit et spes fuerit de eo quod proficiat in studio / petita a Capitulo licencia, de consuetudine ecclesie, ·ij[bus]· annis causa studij poterit abesse: et tercio de gracia, si petierit: et tunc non nisi in vniuersitatis studio insistet.

Et notandum quod Canonicus qui residenciam continue fecerit in ecclesia per annum, sicud pretaxatum est, poterit per singulos annos vnam peregrinacionem habere[4], in Anglia, secundum ecclesie consuetudinem.

Vnam uero tantum habere poterit vltra mare peregrinacionem toto tempore vite sue[5].

[1] Parisius ac sc̃s Dionis̃: *C.*

[2] The body of St Edmund (Rich) of Canterbury was buried at Pontigny in 1242.

[3] ebdomadas: *C.*

[4] facere *H.*

[5] Chaucer's Wife of Bath would not have been content with such restrictions:

> 'thrice had she been at Jerusalem;
> She hadde passed many a strange stream:
> At Rome she hadde been, and at Bologne,
> In Galice at Saint James, and at Cologne:
> She coude much of wandering by the way.'
>
> *Prologue* 465—469.

St Basil (ap. Greg. Nyssen. ii. p. 1084), and even the more ascetic St Jerome (Ep. 49 ad Paulin.), saw reason to discourage the rage for pilgrimages to Jerusalem &c.

Peter de Aquablanca by his will 1 July 1266 made the Pope his executor to collect a debt of xl marcs sterling, being a loan to Philip Abp elect of Lyons and the Church of that place; and he made that amount a legacy '*in subsidium terræ sanctæ et redemptionem peregrinationis nostræ*,' because he felt unable 'ad laborem nostræ divinæ crucis sustinendum et exsolvendum' by reason of his sickly and unwieldy frame. *Les Savoyards* (Fr. Mugnier) p. 310.

HEREFORD. Similiter si [1]triennium de licencia Capituli fecerit in scolis / vlteriorem studend' licenciam non obtinebit cum percepcione.

Est autem quedam prebenda que consistit in duabus *C, fo. 496. ecclesijs de Mortoñ / et de Waddoñ *ab alijs prebendis ecclesie differens, secundum quod inferius assignabitur.

Canonicus in ea siquidem institutus, installacionem recipiet in choro et Capitulo, sicud et alij canonici: consilijs Capituli et eleccionibus intererit / sicut alij. Ad residenciam post iuramentum admissus / si residere uoluerit / nichil de parua communia nec de maiori percipiet. De nocturna uero distribucione tantummodo panem[2] Canonico debitum[3], nichil aliud percipiet de communia, si Matutinis interfuerit. Si uero non resederit, percipiet dimidium marc' singulis annis.

* B, fo. 260b. Et cum se primo *presentauerit Capitulo, iurabit quod obseruabit illas consuetudines quas predecessores sui observare consueuerunt. Scilicet iurabit quod contentus erit porcione communie quam perceperunt predecessores sui, eiusdem prebende canonici:

et quod nunquam aliquam questionem mouebit Capitulo coram quocunque iudice super aliqua porcione communie quam[4] aliquis predecessorum suorum [non][5] recepit.

Est alia prebenda que est Vicaria Episcopi:

et est vna de ·xxvij· prebendis / et differt in hijs duobus ab alijs prebendis: Scilicet quod non poterit extra ciuitatem in uita sua, nec causa studiorum abesse de licencia (Contrast ix. 2—4.) Capituli, sicut alij Canonici, nec aliquid percipere de communia post mortem.

Preterea sciendum quod quilibet Canonicus ordinariam et plenam habet iurisdiccionem in prebenda et familia sua.

Et si ob aliquod grauamen uel injuriam appellatum fuerit a canonico, ad examen Decani et Capituli appella-

[1] 'per' *a late hand in* S.
[2] panes: *S.*
[3] debentur: *S.* debetur: *C.*
[4] 'nunquam' *add* C.
[5] *interlin.* B. *Non habent* S, C.

bitur. Canonicus uero de hijs que prebendam suam siue personam contingunt, et de omnibus spiritualibus, Decano et Capitulo respondebit, et non alteri[1]. HEREFORD.

Sentenciam autem quam Canonicus tulit in subditos suos, uel aliquem delinquentem in prebenda sua, Decanus uel Archidiaconus loci execucioni demandabit[2] ad instanciam[3] *Canonici. *C, fo. 497.

Item si fama publica laboret contra aliquem Canonicum super aliquo uicio vnde possit oriri scandalum / Hec consueuit esse forma correccionis.

Decanus ipsum Canonicum in partem uocat[4] priuatim debet monere vt se corrigat /

pericula que possint eminere[5] caritatiua admonicione exprimendo.

Si[6] processu temporis se non correxerit, debet iterum, adhibitis sibi duobus uel tribus Canonicis, delinquentem acrius arguere[7], et ad uitam innocencie / si fieri potest / salubriter reuocare.

Si uero spretis hijs admonicionibus incorrigibilis permanserit, in pleno Capitulo coram ‖ omnibus fratribus ‖ S, lf. 7. publice redarguet[ur][8].

Et si[9] extunc non emendatus fuerit / Decanus et Capitulum delinquenti penam infligent.

Nec ad aliquem alium pertinet eius correccio.

Sunt preterea duo Abbates / Lyrensis et Cormeliensis / canonici in ecclesia her[fordensi] hoc modo instituti · videlicet /

assignantur eis stallum in choro et loca in capitulo sicud et alijs canonicis.

Post iuramentum inuestiuntur spiritualibus et temporalibus per textum et panem.

[1] aliter *C*. [2] demandabunt *C*.
[3] institiam *C*. 'instanciam' B, *in correctione*.
[4] vocatum *H*.
[5] munere (?iminere) car.: *S*. immineri et *C*. euenire *H*.
[6] Qui si *C*. Quod si *H*, *S*. [7] arguisse *C*.
[8] redarguet *S*, *C*. -tur *in correct*. B. [9] 'si' *add. interlin. S*.

HEREFORD. De parua communia et maiori communia nichil percipiunt

nocturnam autem distribucionem, cum presentes fuerint ad Matutinas percipient sicud alij canonici. Illis uero absentibus ·iiij^{or}· Vicarij eorum, quos Capitulo successiue alijs decedentibus[1] presentabunt: panem et sereuisiam Can' debitam percipient.

Qui uicarij debent in ecclesia continue[2] residere, et officio diurno et nocturno[3] personaliter interesse.

Dicti uero abbates nec consilijs Capituli nec electionibus debent interesse: set cum si[4] presentes fuerint in
* *C*, fo. 498. maiori altari / sicut et alij canonici *sacerdotes / uice sua ministrabunt: et obuencionibus ad dictum altare prouenientibus[5] communicabunt ['cum personaliter ministraverint' *add. S, C.*]. Alij uero condiciones canonicatus eorum in rescriptis inter ecclesiam Her[ford'] et Lyrense et Cormeliensem super hoc exceptis plenius memorantur.

Et notandum quod Capitulum consueuit percipere medietatem emolumenti amerciatorum de spiritualibus de ·iiij^{or}· manerijs suis:

vnde Subdecanus consueuit in capitulo reddere racionem.

Notandum et quod decedentibus[6] vicarijs in ecclesijs ·iiij^{or}· maneriorum Capituli, ad Decanum et Capitulum spectat collacio, et eorundem institucio.

de Mardeñ[7], de Magdal'[8] / et de Puttell[9] similiter.

Notandum ['vero' *S.*] quod Decanus consueuit assotiatis sibi quibusdam Canonicis, tantum semel in anno
Cf. x. 2. uisitare quatuor maneria Capituli et ecclesias / et in eisdem a Capitulo procurari:

ad cuius procuracionem firmarius debet inuenire vnam summam frumenti / et ·j· summam auenarum / et fenum / et focal'[10] / et lectisternium.

[1] discedentibus *C.* decentibus *H.* [2] continuo: *C.*
[3] nocturno ed diurno: *C.* [4] cum: *C.* [5] *per*venientibus: *S.*
[6] descendentibus: *H.* quod et descedentibus: *S.* quod et discedentibus: *C.* [7] Maurdeñ.
[8] Madele: *S.* Madell: *C.* [9] 'Putley': *C.* [10] focum *C.*

Vicarius uero loci inueniet luminaria cerea. HEREFORD.
Capitulum uero totum residuum inueniet.

Item notandum quod decedente[1] Canonico residente / uel religionem ingrediente[2] / omnia que percipiet uiuens et presens tam in prebenda quam in communia parua uel maiori[3], uel nocturna distribucione, percipiet per annum et diem post mortem suam, uel ingressum in religionem: exceptis hijs que tantum presentibus debentur: de quibus superius dictum est. *Notandum pro Canonico mortuo.* Cf. iii. 8.

Si uero Canonicus decedens[4] [uel religionem ingrediens][5] forinsecus fuerit prebendam suam et paruam communiam suam per diem et annum optinebit · si tamen iuramentum fecerit / sicud prenotatum est.

De maiori autem communia et nocturna distribucione nichil percipiet, eo quod tempore mortis, uel ingressus in religionem, residens non fuerit.

Siue autem residens, siue non residens tempore mortis sue[6], fructus prebende sue cum redditibus habebit *per annum et diem[7]. *C, fo. 499.

Excipitur autem ab hac condicione Vicarius Episcopi / sicut superius dictum est.

Persone[8] autem in dignitate constitute, cum decesserint uel religionem ingresse fuerint, dignitates suas per annum et diem obtinebunt / nisi dignitates predicte consistant in iurisdiccione / †sicut Decanatus[9] et duo Archidiaconatus. †B, fo. 261.

Mortuo autem Decano / iurisdiccio Decanatus ad Capitulum spectat dum uacauerit.

HACTENUS de Consuetudinibus Ecclesie[10]. Nunc uero de Consuetudinibus Chori agendum est. [Consuetudines Chori.]

[1] decedente (marg.) *S.* discedente *C.*
[2] 'Canonicus non debet fieri monachus.' Rule of the Order of St Augustine (Dugdale *Monast.* vi. p. 41).
[3] *omit* H.
[4] discedens *manu recent.* S, C.
[5] *omit* H.
[6] *omitt.* H, S.
[7] per diem et annum *S, C.*
[8] Parsone *C.*
[9] decanus: *S, C.*
[10] Capituli: *S, C.*

HEREFORD.

Quia uero singulares consuetudines Personas in dignitate constitutus contingunt / illas primo pertractare prout potuimus duximus necessarium.

Officium Episcopi. || *S*, lf. 8.

DOMINUS EPISCOPUS, si presens fuerit ||in diocesi[1], et potens,

in Natali
in die Cinerum
in die Cene
et Parasceue
in uigilia, et
die Pasche

in festo Assumpcionis beate Marie debet in Ecclesia Her[fordensi] personaliter interesse, et officium ecclesie, secundum quod pontificalis requirit auctoritas, consummare.

(Contrast vii. 3, 1636; not in 1583.) [*Officium decani.*]

In alijs uero festis Principalibus seu Dupplicibus anni[2] / nisi ·iij· uel ·iiij^{or}· dupplicia festa immediate sibi succedant / debet DECANUS officium peragere.

Item Decanus ebdomodam suam uice sua / secundum [quod][3] alij Canonici sacerdotes / in omnibus que ad Ebdomadarium spectant personaliter perseq[ui]tur.

Eo excepto, quod per Vicarium sacerdotem / quem Capitulo presentabit /, qui eciam continue debet residere / profestis diebus poterit releuari, et in[4] festis ·ix· leccionum, si necesse fuerit.

Item ad decanum pertinet Episcopi manibus / quociens in pontificalibus fuerit / ad lauandum, aquam infundere.

Episcopum ad maius altare, vna cum Precentore, deducere et reducere:

in processionibus Episcopo ex parte sua assistere:

quod clerici maiores et minores in choro mature, honeste, deuote se habeant summo opere prouidere[5].

[1] ecclesia: *H.* [2] per annum: *C.*
[3] B *interlin.* S, C *in text.* [4] *add.* festo simplici et *S*, *C.*
[5] matut'...preuidere *C.* se habeant preuidere: *S.* deuote se gerant summo opere prouidere: *B.*

*Precentoris Officium est[1] in solempnibus processionibus primum cantum incipere / Hereford. * C, fo. 500. [*Officium Precentoris.*]

Sequencias in missa uel in uesperis inchoare.

Rectoribus chori officium suum assignare.

Episcopo, cum in pontificalibus fuerit, Antiphonas ab eo incipiendas / et *Gloria in excelsis Deo* in missa committere. (Cf. vii. 14.)

Episcopum ad maius altare incensandum vna cum Decano deducere et reducere.

In processionibus Episcopo ex parte sua assistere /

tocius cantus et psalmodie curam gerere ;

Succentorem / quem Capitulo presentabit / inuenire ; qui in ecclesia horis nocturnis et diurnis continue debet interesse et officium domini studiose et diligenter supportare /

libros cantus et psalmodie custodire / et, cum necesse fuerit, reparare.

Thesaurarii Officivm est[2] omnia luminaria cerea consueta in ecclesia inuenire et accendere[3]: [*Officium Thesaurarij.*] (Contrast vii. 13.)

[1] 'Præpositus vero iurisdictionem habeat in spiritualibus et temporalibus ut iuris est et moris;

'Cantor vero in choro, ut nullus clericus intret chorum nisi per eius licentiam. Iste articulus de ingressu chori excipitur a juramento.' *Statutes* given by P. de Aquablanca Herefordensis to the Collegiate Church of St Katherine d'Aiguebelle (*Les Savoyards*, Mugnier, p. 302).

[2] 'Item Thesaurarius conservet reliquias ecclesiæ, vasa argentea et aurea, vestimenta et ornamenta linea et serica deaurata et plana. Item emolumentum sepulturæ, legata in testamentis et extra, donationes causa mortis et inter vivos, et omnes obventiones quæ ecclesiæ venerint et quacumque causa, veniant in communia, et assignentur in cera et oleo pro luminari ecclesiæ quantum Præpositus et Canonici viderint expedire; et de residuo, si Dominus negocium auxerit, ordinentur successive iij Vicarij vel iiij^{or}, qui una cum Canonicis possint in maiori altari celebrare, et intersint omnibus horis in ecclesia.' *Statuta* Eccl. Coll. S. Katerinæ de Aquabella. (In that Church none besides the Canons, and these Vicars, were allowed to celebrate at the high altar except the Priest Vicars of the Canons and that on a special emergency, and perchance some Dominican or Franciscan friar.) *Les Savoyards*, F. Mugnier, p. 302.

[3] The obligation to provide candles was still reserved *in onere Thesaurarii* under the Elizabethan Statutes, but the Laudian revision relieved this officer of that burden.

HEREFORD. lampades[1] similiter reficere.

Sunt autem ·iij· lampades ante maius altare que continue nocte dieque debent ardere:

quarum vna de redditu ·iiij^{or}· solidorum de quadam terra que uocatur Salterweſt [et altera] de alijs ·iiij^{or}· solidis annuis quos Johannes de Furch[2] soluit de quadam terra in ciuitate sustentatur.

tercia uero de redditu ·v· solidorum de quadam terra quam Radulphus de la Graftoñ tenet / et de decimis garbarum eiusdem terre sustentatur.

Preter has debet Thesaurarius duas lampades ante maius altare inuenire que tantum ad Matutinas accendantur.

Alie autem ·iij· lampades sunt in ecclesia que nocte dieque incessanter debent ardere

vna in Capitulo /

alia in pulpito[3] ante crucem /

tercia autem ante altare beate Marie.

Et iste sustentantur ·xxiiij· solidis assignatis ex decimis molendinorum domini Episcopi, quas Capitulum recipit et Thesaurar' assignat.

Notandum quod tam in festis quam in[4] ferijs portantur ·ij· cerei accensi [5]coram sacerdote[5] ad maius altare, qui semper durante missa debent ardere, et reportari similiter coram eodem reuertente.

Similiter quociens ad turificandum siue in Matutinis, siue in uesperis, vnus uel duo, secundum festi qualitatem processerint.

Item tam in ferijs quam in festis in maiori ecclesia
**C*, fo. 501. et[6] *uesperis et horis diurnis semper accenduntur duo cerei ante maius altare.

ad primam tamen in ferijs non accenduntur.

In omnibus autem Matutinis que sunt Sabbat*is*[7] in Commemoracione beate Marie et in illis Matutinis in quibus pronunciatur Euangelium / et infra octavas sol-

[1] lampadeis: *S.* [2] Mr h. de ffurch: C *corr.*
[3] pulputta: *S.* [4] *omit* 'in' *S.* [5–5] *omit* H.
[6] missa et in *C.* maiore ecclesia et: *S.* [7] in Sabbatis: *C.*

lempnes in Matutinis et ad primam, sicut in alijs horis duo[1] cerei accenduntur ante maius altare. HEREFORD.

Sunt autem || quedam festa[2] in ecclesia Her[efordensi] que dicuntur minus Dupplitia[3] || *S*, lf. 9.

scilicet quando[4] ·iij· intabulantur ad Inuitatorium.

In hijs semper accenduntur · iiij^{or}·[5] cerei ante maius altare in omnibus horis diurnis et nocturnis et in missa.

Accenduntur eciam in hijs[6] festis ·v· cerei[7] in bacinis ad primas et ad ·ij· vesperas, et in missa, et in matutinis incipiente ·ix^{o}· Responsorio. Sunt et quedam festa dupplitia per annum que huiusmodi luminaribus contenta sunt: vt sunt, festa.

Nat. sancti Johannis baptiste
Apostolorum Petri et Pauli
sancti Michaelis, et
sancti Dyonisij.

Dicimus autem illa festa dupplicia quando ·iiij^{or}· intabulantur ad Inuitatorium.

Sunt eciam tria festa per annum:

Festum scilicet Omnium Sanctorum.
Annunciacionis beate Marie / et
festum Reliquiarum. (Julij 8—14.)

in quibus in uesperis primis et secundis [8]et in Missa[8] accenduntur ·xiii· [cerei][9] super trabem vna cum premissis: et illi idem[10] cerei accendi debent in matutinis incipiente ·ix^{o}· Responsorio.

[11][Et tunc accendi debent bascini in ·vj^{o}· Responsorio][11]

Si uero festum Annunciacionis post Pascham celebretur, omnes cerei in primis et secundis vesperis, et in missa, et in matutinis sicut et in alijs principalibus festis accendi debent.

Sunt autem festa Principalia per annum, et quedam Dupplicia, que vnum et eundem ordinem seruant luminarium /

[1] 'uel tres' *H.* [2] 'festa' *interlin.* S.

[3] For the classification of Feasts according to Hereford Use see Dr Henderson's preface to *Missale Herford.* pp. ix—xxxii.

[4] *om.* 'quando' *S.* [5] quinque: *S.* [6] *om.* hijs *S.*

[7] cereis: *S.* [8–8] *omit* H. [9] 'tresdecim' B, S. xiiij cerei H.

[10] quidem H. [11–11] *non habent* S, B.

HEREFORD.

Dies scilicet Natalis Domini / cum
·iiij^{or}· [diebus] sequentibus
Dies Circumcisionis
Epiphanie
Purificacionis
[1]Vigilia pasche [et] in missa
* *C*, fo. 502. Dies Pasche, *cum
·ij^{bus}· diebus [in]sequentibus[1]
Inuencio sancte Crucis
(Maij xi.) Dedicacio ecclesie
Ascensio Domini
(Maij xx.) dies[2] beati Ethelberti
Vigilia Pentecostes ad missam, et
Dies [Pentecostes], cum
·ij^{bus}· diebus sequentibus
Dies sancte Trinitatis
† *B*, fo. 261^{b}. Assumpcionis, †et
Natiuitatis beate Marie, et
Exaltacionis sancte Crucis.

In hijs enim in primis et secundis uesperis, et in missa accenduntur omnes cerei: uidelicet

·iiij^{or}· ante maius altare
·v· in bacinis[3]
·xiij· super trabem, et
·vij· super candelabrum[4]

In Matutinis uero, incipiente ·iij^{o}· Responsorio accenduntur bacini.

Incipiente ·vj^{to}· Responsorio accenduntur ·xiij· super trabem.

Incipiente ·ix^{o}· Responsorio accenduntur ·vij· [cerei] super candelabrum.

Et sicut predicti cerei accenduntur in tribus nocturnis[5] alijs temporibus, ita in festis Dupplicibus a pascha vsque ad Trinitatem accenduntur in tribus Responsorijs.

[1–1] 'Vigilia pasche, et iiij dies Pasch sequentibus:' *B*. vigilia pasche et in missa dies pasche cum duobus diebus sequentibus: *S*. insequ: *H*.
[2] festum *S*, *C*. [3] bascini *C*. *mox* turbem *C*. [4] candelabra *H*.
[5] trabus nocturnis *C*. .iij. noctibus *B*, *S*, *H*.

Et notandum quod si Processio fiat in hijs festis ad altare extra chorum, non debent extingui predicti cerei vsque ad reditum processionis in chorum[1]. HEREFORD.

Et sciendum [est] quod quociens dominus Episcopus in pontificalibus fuerit in ecclesia, debet Thesaurarius inuenire duos cereos ardentes coram Episcopo[2]. (Cf. vii. 14.)

Item sciendum quod Thesaurarius debet inuenire

in festo sancti Stephani dyaconibus[3]

in festo sancti Johannis sacerdotibus cereos portatiles[4] ad processionem in uesperis et matutinis, et

in festo Innocencium pueris candelas et ·ij^{os}· cereos coram paruo[5] Episcopo.

Item debet inuenire

in festo Purificacionis cereos portatiles[6] omnibus maioribus et minoribus clericis secunde et tercie forme. Clericis uero[7] prime forme candelas et cereum benediccionalem, ponderis ·vj· librarum, / qui debet distribui per particulas canonicis residentibus.

Item debet inuenire [8]cereum paschalem[8] ponderis ·vij·[9] librarum / qui postquam primo fuerit accensus in Vigilia Pasche ardere debet continue die ac nocte vsque post ij^{das}. uesperas completas.

Idem obseruetur in Vigilia et in Die pentecostes de eodem cereo.

In alijs uero festis, scilicet in

Inuencione sancte *Crucis — *C, fo. 503.

Dedicacione Ecclesie — (Maij xi.)

Festo sancti Ethelberti, et — (Maij xx.)

Ascensionis

solet accendi.

Item in obitu Ricardi episcopi de Capella debent omnes cerei candelabri accendi ad missam tantum. (xv. Aug. 1127.)

[1] in choro: *S*, *C*.

[2] The candles at the Bishop's Throne, not noticed in 1583, are duly mentioned in 1636.

[3] diaconibus *S*. diaconis *C*. [4] portabiles *B*. [5] domino *H*.

[6] -biles B. [7] *omit* 'vero' *B*, *S*. [8–8] Pasch. cer: *S*.

[9] 'vij' *B*. '·vj· ·xv·' *H*. 'xv^{cim}' *C*. *The weight of this Candle is not given in* S.

HEREFORD. || *S*, lf. 10. * in C.

Item debet inuenire ·ij^{os}· cereos coram altare ad quod fit Processio, in festo sancti cuius est altare / qui debent ar||dere in primis uesperis et [in]* matutinis et in missa similiter[1] coram altaribus a latere maioris altaris, cum festa ipsorum euenerint[2].

Item[3] debet inuenire ·ij^{os}· cereos in obitu Episcoporum[4] quorum corpora tumulantur infra ecclesiam ante tumulum ipsorum / qui debent ardere durante officio mortuorum in Anniversario Die ipsorum.

Item debet inuenire luminaria omnibus celebrantibus in ecclesia in Missa ipsorum: exceptis celebrantibus ad altare sancti Johannis[5].

Item debet inuenire luminaria ad lecciones legendas et ad Collectarium per totum annum /

et in omnibus festis ·ix· leccionum ·ij^{as}· candelas ardentes extra chorum ad antiphonarium durantibus matutinis / et vnam ardentem ibidem in festis ·iij· leccionum, et in ferijs.

Et quociens Sequencia canitur in ·ij^{dis}· uesperis in choro, cum necesse fuerit, debet inuenire candelas cantantibus.

Et notandum quod quinquies in anno debent innouari[6], cerei: scilicet

in Natali

in Purificacione

in Pascha

in Pentecostes, et

in Assumpcione beate uirginis[7]: et debent esse ponderis ·iij^{um}· uel ·iiij^{or}· librarum.

Item ad officium Thesaurarij pertinet claues thesauri: et quicquid infra thesaurum recluditur custodire /

capas et pallas / uestimenta et omnia alia ornamenta ecclesie in statu decenti et honeste, seruare / et cum necesse fuerit, resarcire.

[1] scilicet *C*. [2] aduenient: *B*. eorum euenerint: *C*.
[3] Idem: *C*. [4] ipsorum: *C*.
[5] 'Baptiste' *add* C, *then struck out*. This whole paragraph is placed by transposition after feriis in *H*.
[6] inueniri: *C*. [7] Marie: *S*, *H*.

Omnia uasa argentea et aurea, et reliquias similiter custodire: HEREFORD.

et de hijs omnibus coram Decano et Capitulo semel in anno racionem reddere, secundum quod inferius plenius assignabitur. (Cf. xi. 1.)

Item[1] debet inuenire SVBTHESAVRARIVM / virum notum et probatum[2] quem debet Capitulo presentare /

qui debet *iurare fidelitatem Ecclesie / Decano et Capitulo, quamdiu stat in illo officio. *C, fo. 504.

Et recipiet de furno[3] Capituli cotidie vnam panem assignatum ei pro portacione collectarij in choro.

'Item notandum quod Sigillum Capituli semper debet reponi in thesauro, et sub ·iij^{bus}· clauibus ibi[dem][5] custodiri / quarum vna debet residere penes dominum Decanum[6] / et alie due penes ij^{os}. Canonicos ad hoc electos a toto Capitulo. [*Sigillum.*]

Et quando litere patentes sigillande sunt sigillo Capituli, legantur ante consignacionem et post in pleno Capitulo: et / si sint litere clause / legantur ante: et quociens sigillande[7] fuerint sigillo Capituli, Thezaurarius debet inuenire ceram.

Quociens et[8] progreditur Processio de choro ad aliquod altare in ecclesia, vel ad capellam beate Marie Magdalene[9], vel beate Katerine, de nocte[10] / debet inuenire candelas ardentes per loca per que transit processio, in eundo et redeundo.

[1] Idem *S*, *H*. Item *C*.
[2] probatum *B*, *C*. probabilem *H*. [3] turno *H*. *Mox* porcione *C*.
[4] 'Item sigillum capituli ponatur in thesauraria sub ij.^{bus} clavibus diversis, quarum unam custodiat Thesaurarius, et aliam Canonicus a capitulo deputatus, et sine consensu capituli nihil cum dicto sigillo sigilletur.' *Statuta Ecc. Coll. S. Katerinæ de Aqua bella* A.D. 1267. Ap. F. Mugnier, 1891. *Les Savoyards en Angleterre*, p. 306.
[5] ibi: *S*. [6] penes duos canonicos: *C*.
[7] signand': *C*. signande (*corr.*-dum): *H*. [8] etiam: *H*, *S*.
[9] 'M. M.' *S*. [10] 'de nocte,' *marg.* S.

HEREFORD. Item[1] debet inuenire duos uel ·iij· CLERICOS qui debent pulsare signa[2] /

luminaria accendere

pallas et curtinas in maioribus solempnitatibus pendere⁝

contra Natal' / et contra Pasch' mundare altaria / in eorum solempnibus ornare de precio cl*a*ssicorum[3]

[classicorum] cordas ad signa pulsanda inuenire

carbones et incensum ad turificandum ministrare

et manibus Sacerdotis ministrantis ad maius [4]altare⁝

cum nox fuerit

libros[4] in matutinis et uesperis in publicum exhibere.

uestibulum, et ea que in eo continentur, saluo custodire.

Item[5] debet inuenire incensum per totum annum / †et hostias ad eucharistiam. Et ad hoc faciendum recipiet de manerio de Prestoñ ·xx· truggos frumenti, et ·ij^{os}· solidos de Capitulo.

† *B*, fo. 262.

Idem[6] debet inuenire in festo Omnium Sanctorum / et ad Natale / stramenta ad ornandum ecclesiam in choro et capitulo⁝

et fenum uel cirpos[7] in Pascha / cum folijs *h*edere

*C. fo. 505. In festo Sancti[8] *Ethelberti

Ascensionis

Pentecostes

Natalis sancti Johannis baptiste

Assumpcionis, et

Natiuitatis beate Marie cirpos[9]

Item[5] debet inuenire nouas nattas[10] in choro in festo Omnium Sanctorum.

[Here ms. *C* has a marginal note '*hic terminatur Officium Thezaurarij quo ad luminaria inueniend'*.' non habet *B*.]

[1] Idem *C*. [2] signum *H*.

[3] solempnitatibus ornare de precio clausicor*um* *C*, predicto *H*.

[4–4] Altare. Cum nox fuerit libros...*S*, *C*. *Al. legend. videtur* cum nec*esse* fuerit. [5] Idem *C*.

[6] 'Item' *C*. [7] 'cipros' *C*. scirptos *H*.

[8] beati *S*, *C*. [9] cipros *C*. scirpos *H*.

[10] mattas *B*, *S*, *H*, *C*. Ducange shows that '*natte*' and '*matte*' are interchangeable forms.

S, lf. 11. *Officium Cancellarij.*[a]

AD OFFICIVM CANCELLARII per||tinet / libros ecclesie custodire[1] / et cum necesse fuerit reparare / et quicquid ad legendum pertinet ordinare: lecciones ascultare:

HEREFORD. (Contrast v. 1.)

cartas et breuia sigillo[2] Capituli signanda componere et scribere:

Magistrum in Artibus Regentem inuenire qui diebus festiuis chorum debet frequentare in habitu chori et lecturos ad legendum intabulare[3] et uice domini sui lecciones ascultare.

(Contrast cap. viii.)

NOTANDUM quod nullus, siue maior, siue minor debet ingredi chorum post primum[4] *Gloria Patri* psalmodie cuiuscunque hore, siue de die, siue de nocte.

(Cf. vii. 6.)

In missa uero vsque ad pronunciacionem euangelij potest intrare: lecto uero[5] euangelio non intrabit.

Ingredientes uero chorum humiliter ad maius altare detecto capite inclinabunt / et reuerenciam Decano similiter exhibeant[6], si presens fuerit in stallo suo:

(vii. 8 in 1636; not in 1583.)†

si uero contigerit aliquem ex causa honesta et necessaria transire ab vna parte chori ad[7] aliam, in medio chori, detecto capite, inclinabit ad maius altare et ad Decanum, in eundo et redeundo.

(vii. 8, 1636.)

Nullus in choro cachinnum[8] uel risum inordinatum[9] pueriliter emittat / nec confabulacionem habeat, nisi super re honesta et necessaria: et tunc cum tanta maturitate et moderamine fiat vt diuinum officium non turbet[10] uel impediat.

(Cf. vii. 11, 1636.)†

Nullus alienum locum occupet: set locum sibi assignatum teneat, nisi cum necessitas cantandi, in libris[11], id facere coegerit.

[a] *Hoc de officio Cancellarii.* S (margin).

[1] The Elizabethan Statute refers to the decayed condition of the Library in 1583. The revision of 1636 (v. 1) appoints 'ex Canonicis Residentiariis unum' to be Keeper of the Library. [2] sigilla *B*.

[3] tabulari: *S*. [4] primam: *S*. [5] autem: *S*, *C*. [6] exhibebunt *S*, *C*, *H*.

† Cap. vii. sections 8, 11 in the Caroline Statutes (1636) did not appear in those of Q. Eliz. (1583). [7] in: *S*. [8] machinum *B*.

[9] inhonestum inordinan: *C*. [10] perturbet *H*. [11] libro *C*.

HEREFORD.

In terciam formam nullus accedat[1], nisi Canonicus uel Sacerdos:

secundam formam teneant Dyaconi / uel[2] Subdiaconi Vicarij.

Primam formam teneant omnes inferiorum ordinum clerici.

Nullus[3] admittatur in chorum Sacerdos, Diaconus uel Subdiaconus, nisi licencia Decani[4] et Capituli nostri / *C*, fo. 506. nisi Canonicus eum introduxerit, *et in mensa et in hospicio commorantem in seruicio suo continuerit[5]. Et si post lapsum temporis modici[6] a canonico recesserit, communione chori priuabitur[7] nisi Decano[8] et Capitulo[9] uideatur necessari*us* in seruicio ecclesie retinendus.

Item VICARII [ECCLESIE] PERPETVI / qui certam percipiunt[10] porcionem pro deseruiendo ecclesie / omnibus horis diurnis et nocturnis[11] debent interesse[12]: nec sine licencia Decani[13] et Capituli[14] et ex causa necessaria et vrgenti aliquo tempore possunt abesse[15].

Item decedentibus[16] Vicarijs, cum alij loco ipsorum uel ex presentacione Abbatis, uel ex prouisione Capituli alij subrogantur.

Debet eis iniungi vt psalterium / antiphonarium / et ympnarium infra annum et diem sciant[17] corde tenus: Quod si post lapsum predicti temporis id adimplere non curauerint / extunc poterit Capitulum / indignis et insufficientibus amotis / de ydoneis prouidere.

[1] ascendat *H*. accedit *C*.
[2] et *H*.
[3] Item nullus *H*.
[4] licenciam Decani *S*. licencia nostri *H*.
[5] retinuerit *infra*, p. 79.
[6] t. m. sic introductus *H*.
[7] priuetur *H*.
[8] nobis *H*.
[9] *add* nostro.
[10] Item statuendo precipimus quod omnes Vicarij perpetui qui certam percipiunt annuam *H*. *Vide infra*, p. 80.
[11] 'noct. et di.' *C*.
[12] intersint *infra*, p. 80.
[13] nostra *H* p. 80.
[14] *add* nostri *infra*, p. 80.
[15] abesse presumant *H* p. 80.
[16] discedentibus *C*. decentibus *H*.
[17] scient cordetenus: *S*.

Item nullus celebret in maiori altari nisi Canonicus sacerdos, et Vicarius Decani / sicud pretaxatum est. HEREFORD.

Si tamen contigerit quod nullus inueniatur in ciuitate Canonicus sacerdos, uicarius qui maior fuerit in ecclesia, in tanta necessitate, poterit absentis defectum supplere.

Diaconus autem et Subdiaconus Ebdomadarij in maioribus solempnitatibus per annum personaliter debent ministrare ad maius altare / uel alij Canonici eiusdem ordinis uice eorum.

Alijs autem temporibus poterint[1] per uicarios ministrare.

Et notandum quod singulis diebus ·iij^{bus}· ministris altaris ·ix· denarij de prouentibus[2] oblacionum / si tot ipso die peruenerint / inter ipsos distribuendi [sunt][3]: uidelicet

Sacerdoti ·iiij^{or}· denarij
Dyaconis ·iij· denarij
Subdiaconis[4] ·ij· denarij.

Si uero plura fuerint mortuorum corpora, et excrescens fuerit oblacio vltra ·ix· denarios, Sacerdos ebdomadarius de singulis corporibus recipiet singulos denarios, et totidem cereos, uel candelas, secundum eleccionem suam, ‖si tot fuerint cum corporibus in ecclesiam allati. ‖ *S*, lf. 12.

Quod autem superest de oblacionibus accrescit Capitulo.

Si uero in ecclesijs ·iiij^{or}· maneriorum Capituli fiat oblacio pro *corpore presenti, et ipso die Ebdomadarij maioris altaris oblacionem sibi debitam in ecclesia assecuti non fuerint, de predictis oblacionibus vsque ad ·ix· denarios / si tantum superest / debet eis satisfieri. * *C*, fo. 507.

Excipiuntur autem ab hac condicione oblaciones pentecost' [Penitenciario][5] debite, de quibus porcionem non recipiunt ministri maioris altaris / excepto primo die Pentecostes.

Sacerdos tamen[6] ebdomadarius a festo Dedicacionis vsque ad festum Natiuitatis sancti Johannis baptiste

[1] poterunt: *S*, *C*. [2] prouenientib: *C*. [3] *omit* S.
[4] Subdecañ *B*. Subdiacono: *C*. [5] *non habent* S, B, C. [6] uero: *S*, *H*.

HEREFORD. singulis diebus[1] de oblacionibus maioris altaris vnum denarium percipiet[1] / nisi ipso die a corpore presenti ius suum fuerit assecutus.

Item notandum quod singulis diebus assignantur singuli denarij singulis Canonicis qui presentes fuerint in choro in maiore missa, siue vna, siue duabus, celebratis ad maius altare post Terciam in choro dictam / distribuendi post *Agnus Dei*.

Idem fiet in Missis in Capitulo celebrandis, et in Anniuersario [bone memorie *S, C*] Domini Radulphi de (8 Jan. 1245—46.) Maydestoñ[2] [domini] episcopi here[ford'] : qui ecclesiam de Baysham[3] ad hec facienda assignauit.

Item notandum quod in maioribus solempnitatibus per annum fit distribucio uini Canonicis qui presentes fuerint.

Infirmis eciam et minutis in ciuitate non subtrahitur ista distribucio.

Sunt autem sic vt prediximus / in Ecclesia Hereford' / iiij^{or}. Vicarij Abbatum Lyrens*is* et Cormelienſ[4].

Item ·vj· Vicarij / ij· Sacerdotes / ij· Diaconi / ij· (cir. 1235) Subdiaconi per bone memorie Radulphum de Madestoñ[4] (Cf. Jebb and Phillott, pp. 12, 87, 128.) episcopum assignati : ad quorum sustentacionem dictus episcopus assignauerit[5] ·xx· marcas de ecclesia de Diddelbury[6] annuatim percipiendas per manum uicarij eiusdem ecclesie, qui ad presentacionem Capituli debet institui in eadem.

† *B*, fo. 262^{b}. Ex predicta uero pecunia †percipiet
Sacerdos ·iij· marcas /

[1–1] debet de obl....percipere *C* ('de oblacione' *S*).

[2] Ralph de Madenston had been Archdeacon of Salop, 1215; of Chester and Treasurer of Lichfield, 1220; Dean of Hereford, 1231; Bishop of Hereford, 1234—39. He then became a franciscan friar at Oxford, thereby terminating his connexion with Hereford Cathedral; and he finally died in a monastery at Gloucester, 8 Jan. 1245—6. 'Maydenestoñ': *C, H*.

[3] Baisham: *S*.

[4] Cormalyensem: *S*.—Concerning the Benedictine Monasteries of Cormeilles in Normandy and Lire in Evreux see Dugdale *Monast.* vi. pp. 1075, 1092.

[5] assignavit: *S, C*. [6] Dedulbur': *S*.

Diaconus ·xxx· solidos / Here-
Subdiaconus ·ij· marcas. ford.

Sunt etiam preter hos ·iiij^{or}· Vicarij Sacerdotes
primus *celebrans ante crucem / * *C*, fo. 508.
secundus in officio beate Virginis
tercius pro anima magistri Phi[lippi][1] Rufi
quartus pro anima magistri Alexandri[2]

Hij omnes[3] horis diurnis et nocturnis debent interesse in choro cum Canonicis / et in officio diuino pondus diei et estus supportare.

Quod si horis debitis se necligenter absentauerint, per subtraccionem porcionis / sue[4] secundum quod in Capitulo uisum fuerit / debent puniri.

et si uel sic incorrigibiles permanserint, extunc porcionibus suis priuentur, et alij / qui debito modo in officio ecclesie deseruire sciant et uelint / loco illorum substituantur.

Item sunt quidam frequentantes chorum qui nichil certum in ecclesia obtinent, nec Canonico subsecuntur[5] set vti[6] priuilegio chori se tueantur: semel uel bis in ebdomoda in choro apparent / qui ecclesie sunt magis oneri quam honori, de quorum emendacione nulla spes est:

tales decernimus a choro penitus amouendos: cum scriptum sit / *si pes tuus*, et cetera *Marc.* cap. ix.°

Si Vicarius necessitate ductus sibi minuerit poterit duabus noctibus abesse

hoc prouiso / quod in festis ·ix· leccionum sibi non minuat.

Item si Vicarius Canonico[7] detraxerit, uel presentem, uel absentem, uerbo vel facto dehonestauerit, et super

[1] *S* and *C omit the Christian name* Philip.

[2] These names do not occur in Hardy's Le Neve. There is a *William* Rufus, preb. of Hereford in 1276, and the text of MS. *C*, if it stood alone, would allow us to identify him with the person intended. (One 'W. Ruphus phisicus' gave a sovran relic to the Church of Lincoln. *Archæol.* liii. p. 5.)

[3] 'in omnibus' *C*. [4] 'sive' *H*.

[5] obsecuntur *S*, *C*. [6] ut: *S*, *C*. [7] Canonicum: *H*.

HEREFORD. hoc conuictus fuerit / ab ingressu chori per Decanum et Capitulum eovsque suspendatur donec Canonicus iniuriam passus pro eo intercedat.

Quod si ex consuetudine id facere presumpserit et ij^do. et tercio sic punitus se non correxerit, sine spe reconsiliacionis commune chori inperpetuum priuabitur[1].

Et nota quod suspensio a choro, et suspensio a mensa Canonicorum simul currunt.

[*Officium Succentoris.*] OFFICIVM SVCCENTORIS est / tocius psalmodie et cantus onus portare[2]:

ad cantandum intabulare:

‖ *S*, lf. 13. chorum et ipsius chori ‖Rectores regere:

* *C*, fo. 509. In maioribus festis *capas distribuere:

Processiones ordinare:

·v· Clericos de scola sua in prima forma inuenire, qui in ferijs / et obsequijs Mortuorum / provt moris est, Antiphonas incipiant:

cruces / cereos / ceu turribula portent, cum tempus exegerit[3].

Istos authoritate sua poterit in chorum introducere et a choro cum[4] uisum fuerit / alijs loco eorum substitutis / arcere.

Aliorum uero Clericorum prime forme qui[5] sunt de familia Canonicorum talem habet iurediccionem Succentor quod cum deliquerint / uel ei secundum quod decet non obedierint, poterit eos uerberibus castigare: set non e[6] choro / nisi[7] dominorum suorum consciencia / eicere.

Cum autem a Succentore[8] tam Canonici[9] quam Vicarij[10] debeant [ab ipso][11] capas recipere ad Responsorium [j^um.] in uesperis[12] seu *Alleluia* in missa cantandum[13], secundum quod solempnitas requirit, debet summopere prouidere vt nullum plus aut frequencius *h*onoret[14] quam alium: set

[1] priuetur *C*. [2] supportare *C*. [3] exigerit *B*, *S*. exigit *H*.
[4] *add.* 'sibi' *S*, *C*. [5] que *S*. [6] 'a' *C*.
[7] sine: *C*. [8] autem Succentoris *S*, *C*. [9] Canonicus *S*.
[10] Vicarius *S*. [11] *add.* B. [12] uesperijs *H*.
[13] cantando *B*, *S*, *C*. [14] oneret: *S*, *C*. honoretur: *H*.

sicud in emolumenti percepcione sic[1] in laboris districcione sint equales[2]. HEREFORD.

Si tamen[3] inter Vicarios, seu Clericos chori super aliquo negocio questio oriatur, ad examen Succentoris transferetur: quod[4] si per ipsum decidi non poterit ad Capitulum transferatur.

Item si Clerici chori de dono uel legato uel alias pecuniam fuerint assecuti, de qualibet marca Succentor ·xij· denarios pro porcione sua reportabit.

Quia uero per negligenciam seu absenciam intabulatorum seu chori rectorum uel ministrorum altaris defectus et marancie[5] frequenter accidunt, nec sequitur debita correccio: si Capitulo placuerit / prouidemus[6] vt nomina delinquencium in tabula annotentur, et singulis diebus in Capitulo *post pronunciacionem obitus recitentur vt statim ante tractatum ali[qu]orum[7] negociorum delinquentibus pena condigna infligatur, uel per disciplinam / si Diaconi uel Subdiaconi fuerint / uel per beneficiorum suorum / si beneficiati fuerint / alias obuencionum uel oblacionum subtraccionem secundum quod Capitulo uisum fuerit. *C, fo. 510.

Harum autem Consuetudinum quedam ita sunt iurate quod[8] si non obseruentur, non obseruantibus ingerunt periurium:

[1] ita et *S*, *C*.

[2] With this regulation as to the Canons' copes may be compared St Augustine's rule as to the common vesture of their order: 'Sicut pascimini ex uno cellario, sic induamini ex uno vestiario.' Reg. iii. capp. 26, 36. Dugd. *Monast.* vi. 46, 47.

It may be thought interesting if we place in juxtaposition with the earlier order about copes the Hereford ordinance of 1636, as drawn up by Bp Wren and sanctioned by the King, and the Archbishop of that time:

'Nulla in Dominicis, festisve, Divinorum celebratio unquam fiet, nisi dalmaticis (quos capas vocant) induantur, quam primum eadem in Ecclesia parabuntur, tam qui celebrat ad altare, quam qui Epistolam quoque et Evangelium recitant.' *Stat. Heref.* vii. 3, A.D. 1636. The above passage finds no place in the Elizabethan code.

[3] autem *S*. [4] que *C*. [5] ignorantia *H*.

[6] providimus *S*, *C*. [7] alio*rum* *C*. [8] que *H*.

HEREFORD. alie quedam sunt de honesta et longa consuetudine quibus non obseruatis non incurrunt periurium.

Quid autem[1] in choro debeat[1] cantari uel legi, plenissime in libris inuenitur: que uero solempnitas adhibenda est, siue a quibus personis / uel quibus temporibus hoc uel illud fieri debeat: modus eciam intabulandi et festorum differencia cum disposicione Cantoris in quodam libello a domino Radulpho de Sancto Albano[2] super hoc edito assignatur[3]. Quod quia longum esset huic scripto inserere / ibi reliquimus[4] inueniendum.

Hec de Consuetudinibus Capituli ad presens meminisse sufficiat.

CONSVETVDINES laudabiles quas olim patres nostri ad decorem domus Dei, ad morum reformacionem, ad salutem animarum in ecclesia here[ford'] obseruandos proinde tradiderunt:

que quidem per longam dissuetudinem et negligenciam, seu desidiam ab vsu et memoria modernorum / quod dolendum est / exciderunt innouare, et ad statum pristinum reuocare / prout Dominus[5] annuerit / cupientes, de Capituli nostri consensu[6] et uoluntate statuimus /

quod vniuersi chorum nostrum frequentantes habitum habeant honestum et competentem / non sordidum / non
* *C*, fo. 509bis. *dilaceratum:

tonsuram decentem et latam coronam secundum quod suus Ordo requirit.

(Cf. p. 71.) [7]Nullus ingrediatur chorum post primum *Gloria Patri* /

[1–1] debeat in choro *H*, *S*, *C*.

[2] Hearne (*Collectanea*, 20 Sept. 1709) identifies Ralph of St Albans as Ralph de Gorham alias Gobion (in the time of King Stephen), abbat 1146—51.

[3] assignari *S*. assignantur *C*.

[4] relinquimus *S*, *C*.

[5] Deus *B*.

[6] assensu *H*.

[7] Several paragraphs here will be recognised as having occurred already in a previous context, just after *Officium Cancellarij*. It seems desirable to repeat them here just as they stand in the MS. for the sake of the variations which point to the fact that the present passage, though it stands near the end of the collection, was originally composed and

nec eciam pueri[1] cuiuscunque hore, siue de die / siue de nocte: in missa post inceptum[2] euangelium nullus intret*. HEREFORD.

Ingredientes‡ in chorum, ante quam ad locum suum accedant, in medio chori detecto capite ad maius altare humiliter inclinent: et reuerenciam Decano similiter exhibeant, si presens ‖fuerit[3] in stallo suo.

Exituri a choro idem faciunt[4].

Si uero contigerit[5] aliquem ex causa honesta et necessaria ab vna parte chori ad aliam transire / idem faciat in eundo et redeundo.

Nullus in choro, durante seruicio, cachinnum uel risum inordinatum pueriliter emittat / nec confabulacionem habeat / nisi super re honesta et necessaria: et tunc cum tanta maturitate et moderacione[6] fiat vt diuinum officium non perturbet uel impediat.

Nullus alienum locum occupet / set locum sibi assignatum teneat / nisi cum necessitas cantandi in libro id facere coegerit.

In terciam formam nullus ascendat[7] nisi Canonicus et[8] sacerdos.

Secundam formam teneant Diaconi et Subdiaconi Vicarij.

Primam formam teneant omnes inferiorum ordinum clerici.

(Vide supra, p. 72.)

Item nullus admittatur in chorum Sacerdos, Diaconus, uel Subdiaconus, nisi de licencia nostri[9] et Capituli nostri: nisi Canonicus eum introduxerit et in hospicio commorantem in seruicio suo retinuerit. Et si post lapsum modici temporis sic introductus a Canonico recesserit, commu-

* Here ends Reg. x. Heref.

‡ Here ends MS. *B.* fo. 262b.

‖ *S*, lf. 14.

'promulgated' in this form by one of the Deans of Hereford (whether John de Aqua Blanca, about 1280, or some other) in early times and was subsequently embodied somewhat clumsily, with a few variations, in the *Consuetudines et Officia ecclesie Herefordensis.*

[1] psalmos *H.* cf. p. 71. pueri *S.*
[2] ceptum: *S.*
[3] sit *H.*
[4] faciant *S*, *H.*
[5] contingat *H.*
[6] moderamine *H.*
[7] accedat *H.*
[8] uel *S*, *C.*
[9] 'nostra' *C.* licencia Decani et Capituli *supra*, p. 72.

HEREFORD.

nione chori priuetur / nisi nobis et Capitulo nostro[1] uideatur necessarius in seruicio ecclesie retinendus.

Item statuendo[2] precipimus quod

omnes Vicarij perpetui, qui certam percipiunt annuam porcionem pro deseruiendo ecclesie, omnibus *horis diurnis et nocturnis intersint: nec sine licencia nostra et Capituli nostri, et ex causa necessaria et vrgenti, aliquo tempore abesse presumant.

* *C*, fo. 510bis.

Cum autem, petita a nobis / uel ab Ebdomodario / licencia, sibi minuerit, poterit duabus noctibus, gracia minucionis abesse:

hoc tamen prouiso quod in festo[3] ·ix· leccionum se non minuant[4].

Item iniungimus ijsdem, vt Psalterium Antiphonarium et Ympnarium infra annum et diem post promulgacionem nostrorum Statutorum sciant corde tenus, ne per defectum ipsorum ecclesia suo seruicio defraudetur.

Alioquin, si hoc adimplere non curauerint, extunc, amotis insufficientibus et indignis, de ydoneis prouidebimus.

Item nullus appareat in habitu seculari in ecclesia uel cimiterio a pulsacione parue campane ad Primam vsque post Nonam dictam:

item a pulsacione ad Vesperas vsque post Completorium dictum / nisi transeat per cimiterium, iter longius facturus, vel ab itinere domum reuersus[5].

[1] Decano et Capitulo *supra*, p. 72. [2] ista tuendo *H*.

[3] a festis *H*. in festis *S*.

[4] sibi non imminuant *H*. se non minuant *C*.

[5] The choral habit of the later statutes is thus described in 1583 and 1636.

Quemlibet...Superpellicio ['mundo,' *Wren adds*] et Epomide etiam (quod Caputium ['sive Cucullum' *Wren*] vocant) gradui [suo] academico [per se inito *om. W.*] congruente (et non alii) [semper *W.*] volumus insigniri: præterquam quod [Magistri *W.*] in Artibus Regentes non pelliculatis sed serico (non tamen albi aut diluti alicujus coloris) prætextatis, Epomidibus uti possint. Linea autem illa fragmenta, quibus ad pelliculatas epomides, sed cum prætexta byssina nigra; et Baccalaurei in Artibus (si qui infra chorum fuerint) ad meras panneas,

Item precipiendo inhibemus ne aliquis de choro nostro tabernas uel loca suspecta aut inhonesta frequentet uel de nocte plateas uel uicos ciuitatis euagando circueat, vnde possit oriri scandalum, et fame sue subuersio imminere. HEREFORD. (Cf. Stat. Vic. Heref. iv. 1.)

Quod si fecerit, et monitus se non correxerit, talem decernimus communione chori priuandum / quia scriptum est, *Si pes tuus scandalizat te, ascinde eum, et proice abs te.* *Marc.* ix.

Quia uero in ecclesia intabulati ad cantandum, legendum, et chorum regendum, et ad epistolam et euangelium in missa legendum morancias[1] et defectus frequenter faciunt, et rara uel nulla sequitur super hec correccio, vnde scandala oriuntur in ecclesia: Statuendo precipimus quod

Succentor / uel aliquis loco ipsius / nomina talium intabulet recitanda in capitulo post leccionem Martilogij et *pronunciacionem obitus, vt statim corrigatur ante tractatum negociorum Capituli. *C*, fo. 511.

Tales, si fuerint Diaconi uel Subdiaconi, nudato[2] tergo ab Ebdomadario disciplinam recipiant[3].[4]

Sacerdos Vicarius qui defectum uel moranciam similem fecerit, in crastino in capitulo compareat, et flexis genibus humiliter ueniam petat.

Et si quis super premissis rebellis fuerit, ad arbitrium nostrum et Capituli grauius punietur.

Illi autem qui nullam certam porcionem percipiunt in ecclesia / sicud sunt Vicarij alicuius canonici / si [qui] talem defectum fecerint, secundum quod nobis et Capitulo uisum fuerit leuius[5] punientur.

Iniungimus tamen[6] eisdem quod propter hoc non sint minus solliciti / set quod eis in tabula‖ iniunctum fuerit deuote exequentur[7]. ‖ *S*, lf. 15.

quidem (?quidam) colla amiciunt, atque nullo serico prætextatas arctabuntur.' (1636. vii. 7.)

in posterum amandamus.' (1583.)

[1] marancias: *S.*—*et mox* ad hec: *S.* ad hoc: *C.*

[2] nugato: *H.* [3] recipient: *H.*

[4] This may be compared with rule for the *monks* of this same order of St Augustine, 'si autem talis fuerit aetas ipsius, vapulabit.' *Reg.* ii. cap. 5. (Dugd. *Monast.* vi. p. 44.)

[5] lenius: *C.* [6] autem: *H.* [7] exequantur: *H.*

HEREFORD.

Quoniam autem per incuriam et[1] necgligenciam Vicariorum frequenter accidit quod finita pulsacione ad Primam uel ad Vesperas Ebdomadarius in choro stabit per dimidiam horam et amplius [solus] non habens qui sibi respondeat, expectans eos qui eum expectare debuerant: Statuendo precipimus quod omnes Vicarij perpetui, qui ad omnes horas Ecclesie sequendas sunt deputati, ante finitam pulsacionem Prime seu ad Vesperas[2] sint in choro in stallis suis parati officium Ecclesie[3] cum Ebdomadario / sicud decet / consummare.

Quoniam autem Succentor propter defectum[4] Rectorum chori Officium Misse et *Kyrie* incipit[5], et quedam alia exequitur que ad eorum spectant officium, ipsis tamen[6] non curantibus uel necgligentibus si, bis uel ter moniti, se non correxerint, denuncietur Canonico cuius uices talis Vicarius gerit in illo officio, vt / amoto insufficienti et indigno / tali uicariam suam conferat qui possit et velit / secundum quod officium Ecclesie requirit / in ea deseruire.

Quod si Canonicus sic interpellatus id emendare non curauerit, extunc Nos cum Capitulo de dicta uicaria ordinabimus.

Item[7] prouideat Succentor in choro quod simul cantent / simul pausent / simul cantum resumant: nullus velocius precurrendo, uel subsequendo tardius[8], *festinet, aut[9] notam protrahat alijs pausantibus: set tanquam boues in vno iugo iuncti[10] simul ad vnum finem tendant.

*C, fo. 512.

Prouideat autem[11] summo opere quod psalmodizetur / et maxime in Nocturnis / plane, distincte, [et] aperte, et alta uoce, ita vt simul [con]currant[12] labor et deuocio: nec sit in psalmodia labor sine deuocione nec deuocio sine labore:

Sit autem[13] quedam morula paus[ac]ionis in metro,

[1] seu: *H.* [2] uel Vespere *H*, *S.* seu ad Vesperas *C.*
[3] eccle*s*ia: *S.* [4] pro defectu' *C.* [5] incipiet: *S.*
[6] tanquam: *S.* [7] Idem *C.* [8] tardius subsequendo: *S.*
[9] sustinet, uel *C.* [10] iuncto: *S.* [11] etiam: *S.*
[12] currant: *S.* [13] fiat quoque *H.* fiatque *C.* fiat qz: *S.*

in medio uersu, vbi omnes simul finiant [et] simul resumant quod residuum est in uersu: attendentes quam deformis sit psalmodia vbi alius medium versus [et][1] alius finem tenet. HEREFORD.

Item nullus intabulatus ad legendum, legere presumat, nisi prius[2] audita leccione ab eo qui ad hec deputatur: nisi forte talis fuerit qui per scienciam et longum vsum audiri non indigeat:

Quod si facere presumpserit et in metro uel in accentu[3] enormiter peccauerit, si prime uel secunde [scilicet] forme fuerit clericus, per disciplinam punietur:

si uero tercie forme Vicarius fuerit / grauiori subiacebit vlcioni.

Item prouideat Succentor quod habeat ·v· pueros, in puerili uoce cantantes bene, de scola sua quos introducere poterit in chorum, et a choro remouere, cum sibi uisum fuerit: qui Antiphonas in Vesperis ferialibus, et in seruicio mortuorum (sicud moris est) incipiant:

Cruces, Candelabra, Turribula in Processionibus portent, et alia que ad eorum officium spectant exequantur.

Hij chorum non intrent, nisi caligis et sotularibus calciati, et roba honesta induti:

et si capita eorum rasa[4] fuerint eovsque ab ingressu chori se abstineant donec crescentibus capillis possit[5] in capite per recentem rasuram corona lata et decens apparere.

Hij eciam postquam in uesperis seu matutinis fuerint chorum ingressi locum suum teneant, non discurrentes, non euagantes, non nunc exeuntes nunc intrantes, set fixi maneant in *choro a Vesperis incipientibus vsque ad Completorium, et a Matutinis incipientibus vsque ad consummacionem / nisi cantandi uel legendi necessitas eos ad libros exire compulerit[6] / et tunc cum tanta maturi- *C, fo. 513.

[1] 'et' *habet* S.
[2] presens *C*.
[3] cantu *H*.
[4] rasi *H*.
[5] possint *S* (*ubi paullo ante*, 'speectant', 'cresscentibus').
[6] coegerit *H*.

HEREFORD. || *S*, lf. 16.

tate et ueneracione intrent et exeant vt exemplo || eorum[1] superioribus suis quid facere debeant innotescat.

Idem[2] omnibus primam formam tenentibus precipimus obseruandum:

prouideant tamen, antequam intrent, ut sciant corde tenus quid cantare debeant.

Quia uero plerique prime forme Clerici in uesperis et in matutinis raro, nisi tantum modo in maiori missa in choro apparentes, etate et statura pueros excedentes, nec scolas excercentes, set dies otiosos tuitione chori ducentes, cantandi et legendi officio penitus invtiles, nec in ecclesia nec extra fructum aliquem facientes, Ecclesie magis sunt oneri quam honori:

de consensu et uoluntate Capituli tales decernimus amouendos: nisi forte spe emendacionis future Nobis et Capitulo uideatur aliquis in ecclesia retinendus.

Item Succentori iniungimus vt pueros suos doceat in gestu maturitatem / in preceptis obedienciam / in ministerio suo reuerenciam.

Quia eciam[3] pro defectu discipline in cereis, seu[4] cruce, seu turribulis portandis, cum ad maius altare incensandum uel ad legendum euangelium de more fit processus, per insolenciam Puerorum appareat defectus: uolentes tanto incommodo remedium apponere, Succentori iniungimus vt pueros suos habeat paratos qui incensaturos, uel euangelium lecturos debito modo cum cereis et turribulis precedant, et non prepostere / sicud aliquando uidimus / subsequantur.

Vnum autem superest quod sub silencio, salua consciencia preterire non possumus, quod et fateri erubescimus: Quidam Vicarij nostri ad mensam dominorum suorum inuitati, hospites suos / qui in talibus de||lectant[ur][5] / detraccionibus pascunt et inter epulas crudis [magis][6] quam coctis carnibus uescuntur, sordes et feces aliene uite masti-

(Cf. Stat. Vic. Heref. iv. 1.) || *S*, lf. 16b.

[1] suo: *H.* [2] Item: *C.* [3] enim: *S*, *H.*
[4] uel: *S*, *H.* [5] delectant: *S*, *C.* [6] *omit.* S.

cantes[1] / in oculo fratris festucam uidentes / in proprio *trabem non attendentes: quasi[2] in conuiuio Herodis cum meretricula saltantes, capud prophete / hoc est, famam proximi sui / amputari postulantes, mensam quam intrantes mundam inuenerunt et honestam, recedentes sordidam relinqvnt[3] et funestam: et vt tales beatus[4] Augustinus / nostre Relligionis Institutor / a communione mense sue arceret, hos duos uersus in mensa sua legitur annotasse:

Si quis amat dictis absentem rodere[5] famam[6],
Hanc mensam uetitam[7] nouerit esse sibi.

Ne igitur tantum flagitium transeat[8] impunitum, decernimus vt[9] si quis de cetero fratri seu college suo ex consuetudine detraxerit, vnde scandalum incurrat, seu fame sue periculum immineat si super hoc conuinci poterit per ·xl· dies ab ingressu chori suspendatur, et per tantum tempus percepcione vicarie sue priuetur.

Si uero in[10] personam Canonici detraccionis sue uenenum transfuderit, et ipsum uerbo uel facto dehonestauerit, ab ingressu chori et percepcione[11] beneficij sui eovsque suspendatur donec Canonicus iniuriam passus pro eo intercedat.

[· Finis ·]

HEREFORD. *C, fo. 514.

[1] incastigantes: *C.* [2] qui: *H.* [3] reliquerunt: *H.*
[4] bonus: *H.* [5] reddere: *C.* [6] uitam: *S, C.*
[7] indignam: *S, C.* [8] transiret: *C.*

[9] Compare the *Third Rule of St Augustine*, for the Secular Clergy of his Order, 'ne ira crescat in odium, et trabem faciat de festuca, et animam faciat homicidam' cap. 37. See also the regulations against unkind speech, *ibid.* capp. 38—40. Dugd. *Monast.* vi. pp. 47, 48.

[10] 'in' *interlin.* S. [11] recepcione: *C.*

HEREFORD.

The following inspeximus and ratification of a statute for providing new Copes, by John Trefnant Bp of Hereford in 1390, is entered in the Corpus MS. at the end of the collection of Statutes thus concluded. (The earlier MSS. *S*, *B*, close with the word 'intercedat').

VNIVERSIS et singulis Christi fidelibus ad quorum notitiam presentes Litere peruenerint.

Inspeximus, Jo. Trefnant.

Johannes permissione diuina hereforden' episcopus Salutem in domino sempiternam.

Nouerit vniuersitas vestra

John, dean of Hereford, and chapter.

Nos quoddam statutum per venerabiles confratres nostros Johannem decanum[1] et Capitulum ecclesie nostre herefordensis confectum inspexisse in hec verba /

[*Statutum de Capis*]

CVM nuper nos Johannes decanus et Capitulum ecclesie cathedralis hereforden' in domo nostra capitulari hereforden̄ capitulariter congregati, capitulum inibi facientes pro communibus dicte ecclesie negotijs prospere dirigendis inter cetera colloquium habuimus et tractatum de eiusdem
* *C*, fo. 515. ecclesie* vestimentis ac eciam Ornamentis, et precipue Capis processionalibus nimia vetustate corruptis adeo quod indecens est Canonicis in processionibus aut in choro publice talibus vti Capis et in ecclesie scandalum noscitur redundare

Itaque tunc pensantes huiusmodi scandalum removere, et necessitatibus huius congrue providere

Per nos decanum et Capitulum sic vt premittitur capitulum facientes extiterit nostro consensu vnanimi et aliorum quorum intererant in hac parte deliberatum pariter et statutum.

Ac ex habundanti nunc Statuimus perpetuis futuris temporibus firmiter obseruandum

Quod quilibet Canonicus prebendatus dicte ecclesie existens in vita uel in morte, conferat eidem ecclesie vnam Capam vel ·xl· solidos sterlingorum loco Cape. /

Ac quod quilibet Canonicus prebendandus inibi post

[1] John de Middleton was deprived, and John Harold installed as Dean of Hereford about the year 1380.

futurus de primi Anni sui fructibus seu communia de vna Capa / vel quadraginta solidis eius loco / consimiliter prouideat et realiter satisfaciat ecclesie memorate infra annum a tempore assentionis pacifice suorum Canonicatus et prebende in ecclesia supradicta, HEREFORD.

quodque quilibet Canonicus prebendandus futurus in receptione sua ibidem in Canonicum et in fratrem teneatur prestare, tactis sacrosanctis evangeliis, iuratum hoc Statutum sicut cetera eiusdem ecclesie statuta et consuetudines laudabiles inviolabiliter obseruare. /

Datum et actum in domo nostra Capitulari hereford', Primo die mensis Octobris Anno Domini Millesimo CCC° octagesimo octauo Chapter House, Hereford, 1 Oct. 1388.

QVOD quidem statutum ratum habentes et gratum, illud pro nobis et successoribus nostris tenore presentium ratificamus, approbamus et confirmamus.

IN cuius rei testimonium Sigillum nostrum presentibus duximus apponendum. / Sealed, the Palace, Hereford, 1 Oct. 1390.

Datum in palatio nostro heref' Primo die mensis Octobris Anno domini Millesimo CCC Nonagesimo. / Et nostre Consecrationis secundo. /

Copia concordat cum Originali

Teste me Jacobo {*notarial mark*} yaydeñ Notario publico.

HEREFORD.

MS. *S* consists of two quires of 8 leaves with two fly-leaves at the beginning, and one at the end. On this is written in a late xvth century hand the following document.

[*De Anno Canonici defuncti.*]

Quoniam tempore edicionis statuti / quo cauetur quod quilibet Canonicus residens habeat post mortem suam per annum et diem omnes fructus et prouentus prebende sue, et eciam parue commune et sue residencie et firme, que nunc inter canonicos residentes diuiduntur, et ab ipsis canonicis, cum uacauerint, solent eligi ab eisdem, secundum suum ordinem, prout ipsi canonici residentes fuerint tempore priores, seu canonici seniores / non erant tunc temporis sic diuise, sed duntaxat ad duas *gran*gias de More et de Madley simul collecte tempore autumpnali, et postea inter canonicos residentes qui pro tempore fuerunt iuxta hoc quod seruicio chori interfuerint erant distributi / sicut in alio statuto inde confecto plenius continetur; propter quod penes multos iam vertitur in dubium quamdiu post mortem suam canonicus residens habebit firmam suam, quia ell*eccio* dictarum firmarum solet annuatim fieri post Natiuitatem S. Johannis circa festum Apostolorum Petri et Pauli racione disposicionis fructuum autumpni sequentis.

Quia ergo manifestum est quod hec ellectio dict' firmarum circa dictum festum Apostolorum Petri et Pauli, *caus*a fructuum autumpnalium ut prefertur, nichil tamen ipsorum fructuum debetur eligenti citra festum S. Jeronimi proxime post futurum[1]. Sed ab ipso festo S. Jeronimi incipit ipsos facere fructus suos pro rata temporis prout anno illo continuauerit suam residenciam

ita uidelicet quod si resignauerit maiorem communam suam toto tempore resignacionis quousque resumpserit, nichil percipiet de firma sicud nec de aliis pertin' maiori

[1] Nat. S. Jo. Bapt. est 24 dies Junii: festum autem Apostolorum Petri et Pauli 29 Junii. Et festum S. Hieronymi die ult. Septembris in crastino S. Michaelis concurrit.

commune sed tamen abstractum de firma ipsa debet accretum communitati. HEREFORD.

Statuatur igitur quod quocunque tempore anni Canonicus residens obierit, habeat solummodo per annum et diem fructus sue firme sicut percipit alia proficua sue residencie

ita videlicet quod si moriatur post festum Nativitatis S. Johannis Baptiste ante festum S. Jeronimi proxime sequens, habeat ipse mortuus fructus autumpnales firme sue illo anno sequente, videlicet a festo S. Jeronimi prox*imo* post diem mortis sue usque in crastinum diem obitus sui, et pro rata temporis ult*r*' usque ad festum S. Jeronimi prox' tunc futuri, abstrahat a dicta firma et acrescat communitati.

Si vero obierit post festum S. Jeronimi, videlicet inter ipsum festum S. Jeronimi et festum Nat. S. Johannis Baptiste prox. post futurum,

tunc executores eius, vel assignati, de fructibus autumpni firme sue prox[ime] consequentes diem mortis eius si voluerint et hoc placuerit decano et capitulo disponant, et de ipsis fructibus percipiant pro rata temporis a festo S. Jeronimi prox. sequenti diem mortis ipsius defuncti usque in crastinum diem obitus sui tunc sequenti, videlicet per annum et diem;

Sin autem canonicus, viuus et residens, qui firmam illam elegerit, habeat ipsam firmam et satisfaciat executoribus, vel assignatis, canonici defuncti de porcione dictorum fructuum ipsum defunctum rationabiliter contingente.

Et idem fiat per magistrum deputatum pistrino, si ipsa firma tunc non eligatur ab aliquo canonico,

Sed prout moris est deueniat ad pistrinum.

YORK CATHEDRAL STATUTES.

'*The Statutes, etc., of the Cathedral Church of York*' have been privately printed [under the editorship of the Rev. James Raine, prebendary of Langtoft, now Canon Residentiary] in a practical form for the use of the Dean and Chapter. 8° London, 1879. pp. 109.

The first part of the collection contains the old traditional Statutes, the *De Residentia et Distributionibus* of 1221; the *De Stipendiis Vicariorum*, 1252; *De familia Canonicorum, et de subthesaurario*, 1290; *Statuta Henrici decani*, 1291, 1294; *Statutorum Declarationes* &c. 1325.

The second part consists of Royal Statutes: viz. (*a*) the Latin statutes of Henry VIII, 1541 (these have been printed in Dugdale's *Monasticon*, ed. 1846, vol. vi. pp. 1200—1202); (*b*) the English statutes of William III., about Residence, 1698; and (*c*) the statute of George III. 1768.

At the end is a collection of Injunctions by Edward VI., 1547; others, 26 Oct. 1547 &c.;—Abp Holgate, 15 Aug. 1552; Abp Grindal, 10 Oct. 1572 *Ordo perpetuus pro rogationibus* (preaching turns) 1571; Abp Neile's Articles of Enquiry, 17 Sept. 1632; Abp Frewen, 20 Feb. 1662; Abp Dolben, 10 April, 1685; Abp Harcourt, 22 Feb. 1841.

Of the earlier statutes in the first part some extracts appear in the *Monasticon*, vi. pp. 1199, 1200, not very accurately printed.

The collection of 1879 being very difficult to procure, and never having been issued to the public, I avail myself of the kind permission, received through Canon Raine, to place the pre-reformation Statutes of York before the Reader. He has kindly compared the text here printed with the MS. belonging to the Dean and Chapter. (C. W.)

De Consuetudinibus et Ordinationibus antiquitus vsitatis et obseruatis.

DE installacione domini archiepiscopi dicunt, quod cum consecratus fuerit, et ad ciuitatem redierit, recipiendus est in ecclesia sancti Jacobi cum processione solempni (si tempus sit amenum) in capis sericis, et per decanum in sede archiepiscopali installetur, astante precentore, vel aliquo de maioribus ecclesie.

De recepcione et Installacione domini Archiepiscopi. [Ecclesia S. Jacobi in monte extra Middlegate, nunc destructa.]

Si decanus non presens fuerit, a precentore, vel aliquo de maioribus ecclesie installetur.

Item recipiendus est cum processione ad hostium ecclesie cum redierit a Concilio, vel alias pro negociis ecclesie cum mare transierit; et aliis vicibus tantum pulsabitur contra eum.

Episcopus vero Dunelmensis, secundum antiquam consuetudinem ecclesie, post consecracionem suam, vnam capam preciosam teneatur offerre, et tunc cum uenerit ad illud faciendum, ad hostium ecclesie recipiendus est cum processione.

Quod Episcopus Dunelmensis tenetur offerre capam preciosam.

Et quilibet prebendarius, siue in dignitate constitutus eciam non canonicus, decedens tenetur soluere capam preciosam; quam, si in uita non dederit valoris ·x· librarum ad minus, soluat post mortem ecclesie ·xx· marcas. Tenetur palefridum, qualem habuerit tempore mortis sue, soluere; alioquin ·x· marcas. Si aliquis dignitatem habuerit cum prebenda, tantum vnam capam et vnum palefridum soluat, uel precium, vt superius est taxatum.

Quod quilibet prebendarius et in dignitate constitutus tenetur soluere capam sericam preciosam.

De installacione Decani, et quid ad eius spectat officium.

Decanus a precentore debet installari:

et ad officium Decani pertinet in choro Confessionem dicere ad Primam et Completorium, si presens sit, et *Fidelium* in fine similiter in capitulo:

et in maioribus principalibus diebus debet celebrare, et tunc habebit ·iij· diaconos, et ·iij· subdiaconos sibi ministrantes in Missa.

Item Vesperis et Matutinis vicarius decani in capa serica defert sibi capam suam ad stallum, preeuntibus ·ij· ceroferarijs dum v^tus^ Psalmus cantatur, et ibi dicat Capitulum et Oraciones; et incepta Antiphona super Ps. *Magnificat* et *Benedictus* a decano, quam sibi afferet succentor vicariorum; et percantata, accedat clericus de uestibulo cum thure, et preeuntibus ceroferarijs et thuribularijs cum thuribulis suis plenis carbonibus ignitis coram decano imponet incensum in carbones et benedicat; et cum rector chori primum intonizauerit, procedat decanus per medium chori ad altare, ad sanctuarium thurificandum, preeuntibus ceroferarijs et thuribularijs; cui rectores chori, uersis ad illum vultibus, omnes maiores assurgant et minores, tam in eundo quam in redeundo.

In magnis uero solempnitatibus ad magnam processionem tenetur vltimam Antiphonam incipere.

Item ad eum pertinet die Purificacionis candelas benedicere,

et die Cinerum cineres, et eos dare, et Penitentes eicere[1], si presens sit.

Item die Palmarum palmas benedicere, et *Aue rex noster* ante crucem incipere[2], et illo die per se uel per alium sermonem facere ad populum:

et die Cene penitentes recipere, et post prandium pedes pauperum, cum alijs canonicis, lauare, et Mandatum, quod omnino erit de sumtibus sacriste de capella, facere; et post Mandatum completum ipse cum ·ij· maioribus altaria lauare.

Hijs iiij^or^ diebus Archiepiscopus, si presens fuerit, tene-

[1] Cf. Missale Ebor. (ed. Henderson), p. 46.

[2] *Ibid.* p. 88.

tur officium peragere, et in absencia eius Decanus, uel maior persona de reliquis, si ipse non possit, tenetur complere. [York.]

Item tenetur ex antiqua consuetudine pascere qualibet die ·xl· pauperes, et hoc infra decanatum apud Eboracum, uel alibi in decanatu. De elemosina quam Decanus facere tenetur.

Dicunt quod in ecclesia maior est post archiepiscopum et in Capitulo maior omnibus.

Et nullus canonicus nisi in habitu ad tractandum, prout canonici fuerint premuniti per decanum, uel in eius absencia per presidentem, ingredi debet, exceptis illis qui de licencia sunt muniti, licencia petita in capitulo a canonicis, si fuerint; et si non fuerint ibi, stat denunciacio vicarijs per se, uel per suum uicarium.

Item ad decanum pertinet, de consensu capituli, conuocaciones facere, De conuocacionibus, admissionibus, et installacionibus faciendis, et collacione altaris beate Marie.

et presentatos ad prebendas uel dignitates de eorum consilio et consensu, admittere, et per librum et panem inuestire, et precentori installaciones demandare; et, quod persona admissa in corporalem possessionem dignitatis uel prebende per literas capituli inducatur, precipere.

[Cantaria olim in crypta: a° 1360 in presbyterium ecclesie translata.] Et ad ipsum pertinet altare beate Marie virginis conferre.

De conuocacione et inuestitura facienda, decano absente, dicunt

quod expectandus est decanus, nisi in partibus fuerit transmarinis; et tunc fiat per maiorem de capitulo quod per decanum fieri consueuit.

Sede uacante archiepiscopali, iurisdiccio totaliter pertinet ad decanum et capitulum; De iurisdiccione Decani et Capituli: de correccionibus ministrorum eorum.

et decanus et capitulum debent clericos presentatos instituere, et elecciones episcoporum, abbatum, et priorum, et aliarum quarumcumque personarum examinare, confirmare, uel infirmare.

Item ad decanum et capitulum pertinet excessuum correcciones facere in ministris chori.

Item posicio vicariorum in stallis absencium canonicorum extra regnum pertinet ad decanum et capitulum.

Item ad eosdem pertinet posicio auditorum, clerici sui, et senescalli :

ita quod senescallus nominet et presentet balliuum pro quo respondere tenetur.

Item posicio subthesaurarij spectat ad decanum et capitulum

et posicio [magistri] hospitalis sancti Leonardi consueuit ad decanum et capitulum pertinere.

De ordine preeminencie dignitatum ecclesie Eboracensis.

Et est ordo preminencie dignitatum ecclesie videlicet quod decanus prefertur precentori.

De archidiaconis, Archidiaconus Eboracensis est primus, quocumque tempore installetur.

Alij autem archidiaconi inter se sint priores et posteriores secundum tempus sue installacionis.

Et post archidiaconos Subdecanus, que dignitas est,

et ipse summus penitenciarius archiepiscopi, et personaliter residere tenetur :

et alij canonici statum habent secundum tempus installacionis sue : et si contingat aliquem prebendam suam mutare, et in alia installari, retineat nichilominus statum prime installacionis, et secundum istum ordinem debent habere uoces in eleccionibus faciendis, et alijs tractatibus :

De Precentore, et de hijs que ad eius officium spectant.

Ad officium Precentoris pertinet receptum ad dignitatem, canonicatum, aut personatum, seu officium, et inuestitum per decanum et capitulum, installare.

Item ad ipsum pertinet regimen chori, quantum ad cantum et psalmodiam[1].

In festis duplicibus Antiphonam super psalmos in Vesperis et Matutinis incipiendis, tam maioribus quam minoribus secundum ordinem status illorum iniungere.

[1] In 1552 Abp Holgate willed and commanded 'that there be no more playnge of the orgaynes either at Mornynge prayour the Communion, or the Evenynge prayour within this churche of Yorke,' *Statutes* p. 77. In 1662 Abp Frewen enjoined 'that the great organ be made and sett upp before Michaelmas next.' p. 97. Cf. Abp Dolben's Injunctions in 1685, p. 102.

Item quando archiepiscopus celebrat, precentor in propria persona Antiphonam super psalmum *Magnificat*, et *Benedictus*, et *Gloria in excelsis* ad Missam archiepiscopo presentabit; [York.]

et cum ad altare ad thurificandum et sanctuarium processerit, Decanus a dextris, Precentor a sinistris Archiepiscopo in capis sericis comitiuam prestabunt.

Item in diebus solempnibus primum Responsorium cum processione,

et ad Missam Officium tenetur incipere.

Item ad eum pertinet scolas de cantu conferre; et cause scolarum illarum debent agitari et terminari coram eo;

set ad decanum et capitulum post relacionem sibi factam earum execucio pertinebit.

Cantaria n criptis °. 1240 er execu- ores alfridi ecani ndata.]

Item ad precentorem pertinet conferre cantariam beate Marie Magdalene.

De Succentore maiore et Succentore vicariorum, et eorum officijs.

Si autem precentor absens fuerit, Succentor maior, cum succentore uicariorum, ad mandatum decani et capituli canonicos installabit,

et in festis duplicibus Antiphonam incipiendam iniungere debet; et in absencia maioris succentoris, succentor uicariorum hoc complebit.

Ad officium succentoris uicariorum pertinet interesse installacionibus quorumcunque.

Item ad eius officium pertinet tabulam de cantu scribere,

et eos qui scripti sunt in tabula premunire; uel si absentes fuerint, alijs committere;

ea que pueri cantare debent ascultare,

et ipsos, cum necesse fuerit, castigare;

et ad ipsum, nomine precentoris, regimen chori, et eius seruicium pertinet obseruare;

et ipse nomine emolumenti percipiet de scolis de cantu ·xx· solidos annuatim.

De Cancellario et eius officio.

Cancellarius, qui antiquitus Magister scolarum dicebatur, magister in Theologia esse debet,

et iuxta ecclesiam actualiter legere,

et ad ipsum pertinet scolas grammaticales conferre:

set scolas Eboracenses debet presentare alicui regenti in artibus, de quo spes proficiendi possit haberi, qui secundum antiquam consuetudinem ecclesie ipsas habebit per triennium, et non vltra, nisi ex gracia per vnum annum.

Item ad ipsum pertinet sermonem facere ad populum[1]

·j^{a}· Dominica Aduentus

·j^{a}· Dominica ·lxx^{e}·

et in Synodo ad clericos,

et alijs, qui predicare debent, assignare dies;

item sigillum ad citaciones custodire.

Item ad ipsum et subcancellarium, nomine suo, pertinet eos qui legere debent in tabulis ponere,

et ad legendum licenciare,

et ipsos ante officium uestibuli ascultare.

Et ad ipsum pertinet cronicas facere de notabilibus ecclesiam contingentibus,

et in festis duplicibus illis qui lecturi sunt lecciones assignare;

set cum decanus, uel aliquis de ·iiij^{or}· personis legere debet, subcancellarius debet premunire eos, et eciam canonicos, vt suas ualeant preuidere.

Et ad officium subcancellarij pertinet prouidere ne defectus sit in lectura in choro, nec in capitulo, neque in officio thuriferorum, uel diaconorum;

et subcancellarius pro labore suo ·xx· solidos annuatim de scolis grammaticalibus debet percipere.

[1] The Royal Statutes of 1541 maintained the old regulations and customs as to preaching, only providing that prebendaries should contribute to a preachers' fund, and that the preachers should have the Abp's license, *York Statutes* pp. 50, 51. Edward VI. in 1547 enjoined that there should be a sermon every Sunday and festival (p. 61) in English (p. 65). Abp Holgate ordered the establishment of a Divinity Lecture and published a Table of Preaching turns, in 1552 (pp. 68—70). A different *Ordo perpetuus* was promulgated by Abp Grindal in 1572 (pp. 87—89) and amended by Abp Dolben in 1682 (p. 100).

Thesaurarius ecclesiam debet custodire;

[York.] De Thesaurario, et de hijs que eius incumbunt officio, et cetera.

et ad eum pertinet de excessibus in ecclesia perpetratis cognoscere, et eos corrigere; nisi de choro fuerint delinquentes, quia tunc ad decanum et capitulum pertinet de talibus correccio.

Hec sunt onera thesaurarij.

In primis tenetur soluere ·l· marcas subthesaurario pro suo salario, et pro esculentis et poculentis clericorum de uestibulo et sacristarum ad ·iiij^{or}· anni terminos uidelicet in festo sancti Michaelis, in festo Natiuitatis Domini, ad pascha Domini, et in festo Natiuitatis Sancti Johannis Baptiste per partes equales, uidelicet cuilibet termino ·xij· marcas cum dimidia.

Item tenetur soluere clericis de uestibulo pro salarijs ·xx· solidos, annuatim; tribus sacristis ·xxiv· solidos, unicuique ·viij· solidos per annum; et lotrici vestimentorum ecclesie ·viij^{s}· per annum.

item mundatori ecclesie ·viij· s. per annum.

Item tenetur inuenire luminaria in choro et contra altare, uidelicet ·vij· cereos, quemlibet ·iij^{um}· librarum super candelabrum ereum in choro, quod quidem candelabrum sustinebit in omnibus, et ardebit in festis duplicibus,

et in Anniuersarijs Rogeri et Walteri Gray archiepiscoporum,

[Rog. de Ponte Episcopi † 22 Nov. 1181. Wa. de Gray † 1 Maij, 1255.]

et in obsequijs Canonicorum sepultorum in ecclesia, die sepulture eorundem;

et debent renouari ter in anno, scilicet

ad Natiuitatem Domini,

ad pascha, et

in festo Apostolorum Petri et Pauli:

item ·vj· cereos juxta altare,

et ·ij^{os}· coram ymagine beate Marie uirginis ad uesperas, matutinas, et ad missam,

et diebus ferialibus ·ij^{os}· iuxta altare,

et debent renouari septies per annum, uidelicet

in festo Omnium Sanctorum,

ad Natiuitatem Domini,

ad Purificacionem beate Marie,
ad Pascha,
ad Pentecosten,
ad festum Apostolorum Petri et Pauli, et
in Assumpcione beate uirginis.

Item inueniet vnum cereum ad oculum sancti Petri, qui ardebit die noctuque.

Item ·ij^{os}· cereos super candelabra ferrea in choro ardentes, dum cantantur Matutine.

Item minutas candelas ad absconsas in Matutinis, cum cantare debent super librum in choro uel in pulpito.

Item inueniet luminare ad altare sancti Willelmi dum canitur missa ibidem: et in recompensacionem recipiet totam ceram sibi oblatam.

Item inueniet singulis uicarijs vnam portiunculam candele que dicitur *Cristian*, singulis festis ·ix· leccionum a festo Natiuitatis beate Marie uirginis vsque ad Cenam Domini, exceptis die Natalis et die Epiphanie, si fiat presentacio ·iij^{um}· regum; et in recompensacionem huius recipiet thesaurarius ·xvij· libras cere per annum de ecclesia beate Marie ad portam Castri.

Item inueniet thesaurarius omnes cereos in processionibus ad Natalem Domini, et ad Purificacionem beate Marie uirginis.

Item inueniet ·ij^{os}· cereos ardentes super quodlibet altare ad quod fit processio, quamdiu ibidem steterit, et non vltra.

Item inueniet cereum pascalem, et omnia ad eum pertinencia, tam in coloribus, floribus, et cordis, quam in alijs pertinentibus ad columbam.

Item inueniet stellas cum omnibus ad illas pertinentibus, preter cirpos, quos inueniet Episcopus Puerorum futurorum †, vnam in nocte Natalis Domini pro pastoribus, et ·ij^{as}· in nocte Epiphanie, si debeat fieri presentacio ·iij^{um}· regum.

Et recipiet thesaurarius totam ceram ad magnum altare oblatam, et totam ceram positam in choro contra corpora mortuorum.

Item inueniet ·xxv· cercelos pro hercijs ad tenebras[1], [York.] quorum ·iiij^{or}· vnam libram ponderabunt, et vnus dimidium libre, quem habebit ille qui illuminat dictos cereos;

et inueniet vnum pro hasta in Vigilia Pasche, qui ponderabit vnam libram.

Item inveniet sacristis luminaria ad scrutaciones faciendas in ecclesia.

Item inueniet reparatorem uestimentorum, caparum et pannorum,

filum tam de serico quam de lino et canabo; et, si quid de nouo debeat apponi, illud capitulum.

Item inueniet thesaurarius carbones et salem pro aqua benedicta.

Item inueniet fenum ad spergendum in choro, reuestiario, et pulpito, cum thesauraria et camera sacristarum in omnibus festis duplicibus a festo sancti Michaelis vsque ad Pentecosten,

set in Vigilia Pasche cum folijs edere super fenum,

et hijs ornabit chorum, reuestiarium, pulpitum et ·iiij^{or}· altaria, cum capitulo;

nattis[2] per annum et ad Natalem Domini et ad Pascha;

et ter sperget chorum, reuestiarium, pulpitum, et domos canonicorum residencium, vna cum thesauraria et camera sacristarum cirpis[3],

scilicet ad Pentecosten, et

ad festum Apostolorum Petri et Pauli, et

ad Vincula sancti Petri:

Ceteris festis duplicibus in estate de oblacione altaris fiat inspeccio consimilis per ecclesiam, vt dictum est.

Item inueniet thesaurarius panem et vinum pro

[1] The 'still days' in Holy Week are called '*dies tenebrarum*' in the rubric of the York Breviary (i. 345). Dr Rock infers from what is said by Amalarius (*De Eccl. Off.* iv. cap. 22) that the ceremony of "Tenebræ," unknown at Rome about 830 A.D., spread from England to other parts of Europe. *Church of our Fathers* iv. p. 72 *n.* Only fifteen candles are used in modern ceremonial (e.g. *Paris*, 1846, p. 191). But twenty-five are mentioned in earlier authorities.

[2] 'nattae' mats. [3] cirpi (scirpi) rushes.

omnibus missis in ecclesia celebrandis, et pro communione fidelium die Pasche,

et vinum pro altaribus lauandis die Cene;

et ligna inueniet pro oblatis coquendis; et clibanum cum suis appendicijs ad eadem oblata coquenda, quociens necesse fuerit, faciet reparari.

Item inueniet cordas ad campanas, et omnia alia necessaria pro campanis pulsandis tam in operibus ferreis, ereis, et ligneis, quam in alijs quibus cumque;

inueniet cordas ad velum quadragesimale, et ad alia pendencia,

et cordas ad ortelogium, et alias minutas expensas contra illud; set cum de nouo refici debeat, ad capitulum pertinebit;

et similiter fieri debeat de campanis.

De hijs qui residere tenentur, et qualiter residere debent.

De residencia hec erat consuetudo antiqua,

quod iste ·iiij^{or}· persone habeantur quasi continue residentes, non quod semper residebant, set pro maiori parte anni

Et tunc fuit hec consuetudo vsitata,

quod omnes Canonici residentes conuenirent ad ecclesiam in Vigilia omnium Sanctorum ante Nonam, et non ad Vesperas (quia semper dedecus erat et uituperabile cuilibet canonico post prandium ad uillam accedere) et tunc illos quos secum habere uolebant inuitari fecerunt pro omnibus festis duplicibus, quibus illos contigerit esse presentes, illius anni,

et erat quasi finis residencie estiualis.

Et in festo sancti Martini incipiebant residenciam yemalem, et sic residenciam ordinauerunt quod in maioribus festis ad ecclesiam conuenirent; nec erat permissum quod aliquis uillam mane exiret, et in crastino ad uesperam rediret, sine causa necessaria et vrgente.

Illud namque ita uituperabile et probrosum reputabatur, quod de quodam sic faciente bis uel ter ad plus in

residencia yemali dicebatur, quod communiam residencium furabatur. [York.]

De magna residencia canonicali et qualiter fieri debeat.

Et fiat residencia magna in hunc modum. Canonicus habens prebendam non litigiosam, cum proponat residenciam facere, primo accedat ad decanum, si presens sit in ciuitate uel extra, dum tamen non longe, et si longe abest per ·xx· miliaria, coram maiore qui presens fuerit, facere protestacionem, quod tali die proponat residenciam suam incipere.

Et decanus, uel maior, dicet ei,

Tali die ueniatis in habitu chori in capitulo post *Preciosa*, et coram nobis et fratribus, si presentes fuerint, et ibi protestamini de residencia facienda, prout moris est.

Et tunc camerarius diem illum in suo kalendario notabit.

Et continet prima residencia ·xxvj· septimanas, in quibus omnibus Horis canonicis interesse debet, nisi minutus fuerit uel infirmus.

Et in prima residencia consueuerunt et tenentur Canonici residentes uicariorum et ministrorum ad mensam numerum dupplicare, nec infra dictum tempus extra ciuitatem nocte aliqua pernoctabit, ita quod sit in domo in qua residet, ad vltimum ante ignitegium propulsatum,

quod si secus fecerit, prehabita residencia pro nichilo habeatur.

Et si aliquo die absens fuerit, durante residencia maiori, teneat hospicium suum quo ad ministros ecclesie et alios modo solito sicud presens, nec infra dictas ·xxvj· septimanas aliquid de communia percipiet, set peracta ista residencia maiori communiam percipiet diurnalem, sicut ceteri canonici residentes.

De minore residencia facienda.

De minori residencia facienda notandum

quod ·xxiiij· septimanas continuare tenetur, nec oportet illam residenciam facere continue, set per menses, septimanas, aut dies, ita quod maioribus festis intersit, si id facere possit bono modo;

et qui uoluerit, poterit a festo sancti Martini, ante

festum Pentecostes illas ·xxiiij· complere; et sic si non fecerit, saltem ad minus resideat per ·xij· septimanas ante Pentecosten, si tunc distribucionem habere uoluerit;

Si autem plus fecerit ante festum Pentecostes, illud sibi computetur pro residencia temporis subsequentis vsque ad festum sancti Martini.

Item Canonici residentes tempore residencie consueuerunt interesse seruicio chori saltem in Vesperis, Matutinis, et Missis, nisi alias fuerint prepediti.

De pulsacione et conuocacione canonicorum.

De pulsacione et conuocacione canonicorum ad seruicium uespertinum ita fieri consueuit,

uidelicet quod si Archiepiscopus presens fuerit et uelit interesse seruicio, debet premuniri per sacristas de pulsacione;

similiter Decanus, et vnusquisque Canonicus, cum festum fecerit, expectandus est secundum ordinem suum;

alijs uero temporibus et diebus dicende sunt Hore canonice et Missa horis statutis, secundum quod ordinatum est in Consuetudinario, ad quod seruandum omnes tenentur.

Et si decanus et capitulum tractare uelint in capitulo, premunire debet eos Decanus per sacristam, et cum conuenti fuerint in capitulo superueniendus est decanus cum eisdem tractaturus,

et ita habent Canonici precedere decanum post seruicium de choro peractum.

Quod canonici capelle tenentur supplere uices canonicorum ecclesie Ebor.

Et si absentes fuerint canonici ecclesie, canonici de capella uices illorum in celebracione tenentur supplere, et eisdem canonicis cum celebrauerint in magnis solempnitatibus ministrare, et tunc percipient de bursa,

sacrista (uidelicet)

capellanus, ·ij· d.

diaconus, ·j· d. ob.

subdiaconus ·j· d.

prout continetur in ordinacione ipsius capelle[1].

[1] The *Ordinatio Sewalli Archiepiscopi super Fundatione Capelle B.*

De recepcione puerorum in choro. [York.]

In recepcione uero puerorum in choro aliquando hec erat consuetudo,

quod nullus reciperetur Puer, nisi bene cantaret, et bonam uocem haberet; et tunc de talibus per processum temporis fiebant thuribularij, subdiaconi, diaconi, et uicarij, dum tamen digni fuerunt,

et si aliquis extraneus prouecte etatis intrare deberet, non sine decano et capitulo recipi debet.

De inuitacione uicariorum.

Item si inuitacio uicariorum ad mensam canonicorum fieri debeat, tempore matutino fiat, et de hijs tantum qui Matutinis interfuerint.

Cum autem decesserit canonicus, Vicarius eius habitum chori, et clerici de uestibulo lintheamina et tapeta, quibus corpus defuncti fuerat coopertum in feretro, antiquitus consueuerunt habere.

Marie et SS. Angelorum, Ebor. (5 May 1258) is printed in *Monasticon Anglicanum* vi. pp. 1182–3. It had the consent of the chapter and was made at the instance of Gilbert de Tiwa Sacrist of the Chapel of Saint Mary and the Holy Angels. There were twelve prebendaries of the Chapel subject to the Archbishop, with two other priests, two deacons, and two subdeacons (to celebrate for the Departed) under the direction of the Sacrist. These Canons of the Chapel had a special allowance for performing service at the Morrow Mass, or the High Mass, in the Cathedral, but the Canons of the Great Church could claim nothing from the Sacrist of the Chapel when doing duty for a sick Canon of the Chapel, 'sed illis duobus solidis, quos ante hanc ordinationem solebant percipere, sint contenti.' Eleven vicarages were placed in the patronage of the Sacrist so that the Canons of the Chapel might have the privilege of exercising spiritual functions and of doing almsdeeds. As an acknowledgment of the services of Gilbert the Sacrist, it was ordered that his anniversary should be observed for ever in the Cathedral, the Chapel and the churches in connexion. In earlier days before the foundation of prebends, St Peter's at York had been served by the Culdees or Celtic clergy (*Colidei*) since A.D. 936. When Canons were introduced the Culdees removed to a hospital in York which was subsequently named St Leonard's. (Dugd. *Monast.* vi. p. 608.)

De rasura coronarum.

De rasura et tonsura pueri de choro ad differenciam aliorum corone rasuram habebunt aliquantulum largiorem;

similiter diaconi et uicarij, et precipue qui in magno altari celebrent uel ministrare debeant, rotundam saltem, vt aures pateant, et in rasura corone decenter largam debent habere[1].

De introitu Vicariorum et eorum inclinacione.

Item dicto *Gloria Patri* post primum Psalmum cuiuslibet hore Vicarij chorum intrare non debent.

Item cum incedere debeant in choro, primo uersus ad altare, deinde decano, uel crucifixo, reuerenciam exhibeant aliquantulum inclinando,

et cum cantatur *Gloria Patri* post Versus Responsoriorum in Matutinis, Vesperis, et ad Psalmum *Venite*, et ad Officium Misse similiter, et ad *Gloria in excelsis* totus chorus debet assurgere reuerenter et uersus altare capita inclinare.

De officio Sacristarum.

Ad officium Sacristarum pertinet

hostia ecclesie claudere et aperire hora competenti,

ad mandatum decani, siue presidentis, canonicos ad capitulum inuitare,

et hostia capituli custodire,

campanas ad horas pulsare.

Primum signum debent pulsare per tantum tempus quantum possit dici Matutina de Domina.

Item primum consueuit pulsari per tantum tempus quantum possit aliquis citatus a Lotherhou vsque ad ecclesiam maiorem uenire.

Item in processionibus infra ecclesiam et extra, quidam eorum debent precedere processionem et quidam subsequi, vt processio melius ualeat ordinari,

et quilibet eorum percipiet per annum de thesaurario ·viij· s.

[1] The 20th Injunction of Abp Holgate, 15 Aug. 1552 forbids the ministers in the Cathedral Church of York to shave their crowns, 'under payne of censures of the Churche.' *York Statutes &c.* (1879) p. 76.

Incipiunt Statuta de Residencia et Distribucionibus Residenciarijs faciendis.

IN Nomine Patris, et Filij, et Spiritus sancti, amen.

Anno ab incarnacione Domini millesimo ducentesimo uicesimo primo, die sancti Valentini, nos magister Rogerus decanus, Galfridus precentor, Walterus archidiaconus Est Ridyng, Johannes Romanus, Robertus de Wyntonia, canonici Eboracenses, de communi consensu capituli Eboracensis ad ordinandam residenciam in ecclesia Eboracensi et distribucionem communie inter canonicos residentes, cum ceteris hoc negocium contingentibus electi, habito super hoc diligenti tractatu, York, 14 Feb. 1221.

et consuetudinibus uicinarum ecclesiarum sollicite inquisitis,

ad vtilitatem et decorem domus Dei,

De residencia quatuor personarum ecclesie Eboracensis,

ita ordinauimus;

vt quatuor persone, scilicet Decanus, et Cantor, Cancellarius, et Thesaurarius, in ecclesia Eboracensi, vt solito, resideant.

Archidiaconi, qui canonici fuerint, qui ex officio suo tenentur ecclesias uisitare, prouincias circuire, et officium circa curam animarum sibi commissam sollicite et diligenter adimplere, per ·iij· menses residenciam in ecclesia Eboracensi facere procurent.

Simplices uero canonici ad minus per dimidium anni continue, uel per quartam partem in vna medietate anni, et aliam quartam partem in alia medietate anni, continuam suam faciunt residenciam.

York, 1221. Pensatis itaque uiribus et facultatibus communie Eboracensis ecclesie, prouidimus vt, exceptis consuetis expensis et debitis quotidianis, inter solos residentes et equaliter, sine personarum accepcione, communie fiat distribucio ;

ita scilicet vt singulis diebus singulis residentibus dentur ·vj· d.

in festis Novem leccionum, ·xij· d.

in festis uero dupplicibus, ·ij· s.

Residentes autem, quantum ad hanc quotidianam percipiendam, intelligantur canonici qui in ciuitate Eboracensi circa ecclesiam suam Eboracensem pernoctant, et morantur, et eidem deseruiunt, et saltem Matutinis et Horis intersint, nisi causa minucionis uel infirmitatis, siue impotencie manifeste, circa ecclesiam commorantes, ad ecclesiam ipsam accedere impediantur.

Si uero aliqua septimana abfuerit aliquis Canonicus per vnam noctem, vel duas, non imputabitur ei ad penam dummodo ex consuetudine non contingat ;

diebus eciam quibus intrant canonici uel exeunt ciuitatem, quotidianam percipient memoratam tamquam in ecclesia commorantes.

Facta uero predicte quotidiane distribucione, quod residuum erit de communia, siue in festo Pentecostes, siue in festo sancti Martini in yeme, de termino preterito inter solos illos canonicos qui residenciam fecerint, provt supra determinauimus equaliter distribuatur.

Canonici uero qui in sacra pagina studuerint uel docuerint, secundum tenorem Constitucionis domini Honorij pape ·iij^{tij}· porciones suas integre percipiant[1].

Propterea soli canonici communiam percipiant, qui prius in ecclesia sua corporaliter ad minus per dimidium anni continuam fecerint residenciam.

[1] Honorius III. pontificatum tenuit ab anno 1216 usque ad A.D. 1227.

Quod canonicus residenciarius defunctus recipiat per annum redditum et communiam. York, 1221.

Statuimus vt canonico Eboracensis ecclesie defuncto sicut annui redditus prebende sue ei debentur plenarie et integre, similiter et communiam percipiat, dum tamen anno mortis sue residenciam fecerit, executores ipsius canonici per uisum decani et capituli ad debitorum suorum exoneracionem, uel in pias causas pro anima ipsius communiam sic perceptam expendent, anno incipiente currere a die obitus sui quocumque anni tempore in fata decesserit, ita tamen si existens canonicus Eboracensis diem clauserit extremum.

Si uero in egritudine habitum mutauerit, uel prebendam resignaverit, tercia pars prebende cum communia, secundum antiquam consuetudinem, cedet ad fabricam et ornatum Eboracensis ecclesie.

De Thesaurario petente dupplicem communiam.

Notandum preterea quod cum Willelmus thesaurarius Eboracensis instanter peteret dupplicem sibi assignari communiam racione ·ij· prebendarum suarum que constituunt thesaurariam,

a multis fuit ex aduerso responsum

quod communia non est pars prebende, sed soli annexa residencie.

Si enim esset pars prebende, quicunque haberet prebendam, eciam non residens, posset communiam exigere;

vnde nec racione prebendarum, nec racione residencie, cum duas in vnica persona facere non possit residencias, duas poterit petere communias.

Habita itaque super hoc deliberacione diutina, prouidimus vt eidem Willelmo thesaurario, si residenciam debitam fecerit, preter vnam communiam dentur ·iij· marce annue pro bono pacis in vita sua tantum, medietas ad Pentecosten, et medietas ad festum sancti Martini in yeme.

Statuimus eciam vt illi soli et omnes uicarij solidos duos de bursa communitatis recipiant, qui autem istam

York, 1221. nostram ordinacionem receperunt, sicud in ipso compromisso expressum fuit a principio.

[Jo. de S. Laurent. canc. 1195. Will. archid. Ri. 1218.] Et quia prebende que modo sunt Johannis Cancellarij et Willelmi archidiaconi Richmondie, tantum in communia consistunt,

statuimus vt ipsi, uel canonici qui pro tempore in eisdem prebendis fuerint, si absentes fuerint, quilibet eorum ·vj· marcas percipiet de communia ad duos terminos, medietatem ad Pentecosten, et medietatem ad festum sancti Martini in yeme, quovsque eisdem prebendis in certis possessionibus fuerit prouisum ;

si uero residentes fuerint, integram communiam cum quotidiana percipient pro totali prebenda.

Statutvm de Stipendijs Vicariorum, et de eorum Juramentis,

ad cuius statuti obseruacionem quilibet Vicarius in Admissione sua ad uicariatum iuramenti uinculo se astringit.

Walter Gray, Abp (1216—55). VNIVERSIS sancte matris ecclesie filijs ad quos presens scriptum peruenerit

W. Dei gracia Eboracensis archiepiscopus Anglie primas, Salutem in Domino.

Statuta dilectorum in xp̄o filiorum Decani et Capituli Eboracensis ecclesie inspeximus in hec uerba,

York, 2 Nov. 1250. Anno Domini millesimo ducentesimo quinquagesimo, secundo mensis Nouembris, Nos S[ewall] decanus, et capitulum Eboracenses, communi assensu, et fratribus prius conuocatis ac requisitis, ad ecclesie nostre vtilitatem et honestatem hec subscripta duximus statuenda et obseruanda.

In primis considerantes quod frequens mercedis recepcio laborancium mentes supportat et laboris fastidium minuit, uolumus quod stipendiorum uicarijs debitorum solucio totaliter differatur, sicut hactenus fieri consueuit ;

vnde statuimus quod quilibet Vicarius recipiat

denarium diurnum sibi, secundum modum inferius denotatum, in fine cuiuslibet septimane soluendum. York, 1250.

Et ut hec et alia que ad Vicarios pertinent ordinacius disponantur et fiant, Volumus quod vnus de uicarijs per vicarios, assensu decani et capituli, eligatur, qui curam et administracionem omnium habens que ad uicarios spectant uel obuenerint vllo modo, solucionem de hijs faciat memoratam, et insuper singulis uicarijs in termino sancti Martini ·x· solidos, et in termino Pentecostes tantumdem, nomine stipendiorum, distribuat sine mora; residuum uero in ipsorum communiam plenarie conuertendo.

Quam vt sciat melius distribuere duximus aduertendum quod[1] seruicium ecclesie in maiores Horas diuidatur et minores[2].

[1] These 27 lines in the text will be recognised below in the Lincoln *Statuta Vicariorum*, A.D. 1236 (pp. 147—8).

[2] Edward VI. in 1547 enjoined that 'all such daies as they have ony preaching, they shall omytt the Pryme and Houres.' They were also daily to 'begynne Mattens at sixe of the clocke in the mornyng' and to 'surcease from singing of Divine service in the night tyme.'

In the later Injunctions (Oct. 26) of the same year it was ordered that in the winter halfyear 1st Oct. to 'th' Adnunciacion of our Ladie,' mattins should begin at 7 a.m. High Mass only was to be sung in note or song, and to begin at 9 o'clock daily. On the feasts of 'Nyne Lessions' they were in future 'to sing Mattens onelie of Six Lessons and Six Psalmes with the songe of *Te Deum Laudamus*, or *Miserere*, as the tyme requyreth, after the sixt Lession.'

The 'Houres, Prime, Deriges, and Commendacions' were not to be sung chorally, and their private recitation was made optional. Evensong and Complyne were to be sung in choir 'withoute ony Respondes' at 3 p.m. in Summer, and at 2 o'clock, or 2.30, in Winter.

No Anthems were to be used except such as the 'Kinge's Majestie and his mooste honourable counsaill' should set forth. Two (in English) were authorised to begin with:

(*a*) *Ant.* Like as Moses &c. (*Jo.* iii. 14—16).
V. Increase, O Lorde our faithe in The.
R. That we maie worke His pleasure onelie.
Let us pray. *A Collect for Increase of Faith.* Moost bountifull &c.

(*b*) *Ant.* Be it evident and knowen &c. (*Acts* xiii. 38, 39).
V. O Lorde, for Christes sake our Saviour.
R. Accepte and here our humble prayour.
Let us pray. *A Collect for the King's Majesty.* We sinners &c.

York Statutes pp. 63, 64.

York, 1250.

Maiores autem hore sunt hee,

Matutine, Prima, Maior Missa in magno altari, Vespere, et in ·xl^{ma}· Completorium *Placebo* et *Dirige* pro vna Hora.

Minores uero sunt hee

Tercia, Sexta, Nona, et Completorium extra ·xl^{mam}·. Commendacio, cum Missa in capitulo.

Has horas exequatur Vicarius cum distribucione diurna modo subscripto,

alioquin careat denario sibi ob hoc debito et assignato.

Matutinis tamen potest impune in ebdomada semel abesse, et bis quandoque, dummodo ex consuetudine hoc non fiat.

Consuetudo autem censetur si aliqua septimana preter vnam in mense a duabus [ab]fuerit Matutinis quo casu vnius diei perdat communiam, nisi de licencia presidentis persone uel canonici fuerit minutus, uel egrotet; sine cuius eciam licencia nullus uicarius uillam exire presumat.

Ea uero septimana, qua racione minucionis absens fuerit, excusatus non erit quo ad aliam absenciam, si sit sanus.

De alijs uero maioribus Horis potest singulis diebus vnam perdere sine pena predicta, uel duas minores, que impunite sic conceduntur, si omnibus alijs Horis tam maioribus quam minoribus interfuerit.

Oportebit autem[1] ad custodiendam et distribuendam communiam Camerarium eorum Horis assidue pro posse suo racionabili interesse, et uicariorum defectus diligencius explorare, ut sciat quibus subtrahendum de communia fuerit;

et in creatione sua iurabit

quod in administracione officij sui fideliter se habebit.

Ipsi uero uicarij iurabunt

quod contra constitucionem istam nichil percipient de communia:

et si quis in hoc conuictus fuerit degenerasse, secundum arbitrium decani et capituli puniatur.

[1] The duties of the Provost at Lincoln are described in nearly the same terms in the *Statuta Vicariorum*.

Camerarius uero siue Custos predictus, vt officium suum efficacius exequatur, percipiet in ebdomada ·x· denarios, sicut alij ·vij· York, 1250.

Idem uero Camerarius suum reddet compotum bis in anno, scilicet in termino sancti Martini, et in termino Pentecostes coram vno canonico et ·iiij^{or}· uicarijs ad minus, per uicarios ad hoc de assensu decani et capituli deputandis: et tunc quod residuum fuerit sic distribuetur inter uicarios per manus dicti camerarij suo tempore subsequenti, scilicet vt quilibet uicarius in maioribus festis ·ij· denarios accipiat, et eciam in octabis solempnibus similiter.

Et si in tantum communia creuerit quod singulis festis et octabis, uel eciam singulis diebus anni hoc fieri potest, fiat cum pena superius scripta, saluis tantum hijs que ad redditum comparandum ipsis fuerint legata uel data, que non conuertentur in alios vsus, sed redditus inde empti in ipsorum cedent communiam.

Super hijs autem que uicarij in quibusdam defunctorum Anniuersarijs debent statim percipere, non intendimus morientium uoluntatibus obuiare;

sed ipsas plenius conseruare uolentes, statuimus

quod nullus inde aliquid percipiat, nisi toti seruicio interfuerit defunctorum:

et non presentium porcio in communiam totaliter conuertatur.

Sane ne chori excessus, si qui fuerint, maneant incorrecti, statuimus

vt Vicarij et Clerici chori quolibet die sabbati in capitulo plene conueniant, instruccionem et correccionem debitam recepturi,

et ad memoriam legi faciant hec Statuta.

Ad hec uicarij in primo ingressu suo de ordinacione et uita examinentur,

et an sciant legere et cantare.

Item iurent fidelitatem ecclesie, et

quod diligentem operam dabunt quod infra annum primum scient cordetenus Psalmos, et alia que in ecclesia sunt sine libro psallenda siue cantanda, et

York, 1250. quod nichil fraudis facient per quod ecclesia aliquatenus obsequio debito defraudetur.

Ego ·N· ad sancta Dei euangelia iuro, et corporale presto iuramentum

quod diligentem operam adhibebo de conseruando Statuta premissa cum contentis in eisdem, et specialiter fidelitatem ecclesie

et quod diligentem operam dabo quod infra annum primum sciam cordetenus Psalmos et alia que in ecclesia sunt sine libro psallenda siue cantanda,

et quod nichil fraudis faciam per quod ecclesia aliquatenus obsequio debito defraudetur;

sic Deus me adiuuet, et sancta Dei euangelia. Amen.

Item declaratum est

Quiscumque iurans in forma predicta, si nesciat infra primum annum cordetenus Psalmos et alia que in ecclesia sunt sine libro psallenda siue cantanda, tenetur semper post primum annum diligentem operam dare, uigore dicti iuramenti, vt ea sciat, quovsque cordetenus ea sciat[1].

Alia Statuta.

York, 3 Apr. 1290. ANNO Gracie M·ccxc· die lune in septimana Pasche, scilicet tercio nonas Aprilis, presentibus magistro Petro de Ros precentore ecclesie Eboracensis, Thoma de Corbrigge cancellario eiusdem ecclesie, Henrico de Newerk archidiacono Richemundiensi, Johanne de Craucumbe archidiacono Est Ridyng, Thoma de Wakefeld subdecano, et Thoma de Hedon[2] canonicis ecclesie antedicte,

[1] Abp Holgate in 1552 enjoined that all Vicars Choral and the Deacons under forty years of age should commit to memory one chapter of St Paul's Epistles every week in the Latin of Erasmus, and he undertook to examine them himself. The master of the queresters was to see that the boys learnt a chapter of the Gospels or Acts in English at least once a fortnight. *York Statutes* &c. p. 73. Similarly Abp Grindal in 1572. *ibid.* p. 82.

[2] Among the York Thomae of this date known to Hardy's Le Neve the nearest approaching this name is Thomas Edderbury, preb. of Wetwang, precentor of Lichfield in 1303.

orta questione de familijs canonicorum ecclesie nostre sancti Petri, si essent de aliqua parrochia, declaratum fuit per capitulum, York, 1290.

quod cum canonici dicte ecclesie non subsint alicui parochie, sequitur quod eorum familia non est de aliqua parochia, et sunt sub cura dominorum suorum, uel cui canonicus familie sue curam committit;

et ad ipsum canonicum pertinet correccio familie sue, et omnes obuenciones que curam huiusmodi comitantur, cuiusmodi fuerint oblaciones, decime, mortuaria, et huiusmodi vniuersa.

Item declaratum est per eosdem

quod nullus de familia alicuius canonici domino suo mortuo aliquid possit de rebus domini sui uendicare, nisi quod ei fuerit de vltima uoluntate domini sui legatum, uel de uoluntate executorum concessum;

et idem intelligendum est de Vicario canonici defuncti.

Quod Subthesaurarius eligatur per Decanum et Capitulum, et de salario suo, et Quinque Ministrorum Chori.

Item statutum fuit per decanum et capitulum quod ille qui Subthesaurarius appellatur, per decanum et capitulum eligatur,

cui custodiam ecclesie, et eius thesaurum, vtpote cartas, priuilegia, reliquias, uasa aurea et argentea, libros, et cetera ecclesie ornamenta possent committere confidenter;

cui eciam Thesaurarius qui pro tempore fuerit ·l· marcas ad ·iiij· terminos per partes equales annis singulis ministrabit, et domos inueniet competentes;

et idem custos ·v· ministros, duos clericos in uestibulo et ·iij· sacristas, cum tanta securitate sibi assumat, vt pro eis et factis illorum secure ualeat respondere,

quibus esculenta et poculenta inueniet.

Thesaurarius uero salaria persoluet eisdem, uidelicet

·ij^{bus}· Clericis de uestibulo ·xx· s.,

et ·iij^{bus}· Sacristis ·xxiiij· s., ad duos anni terminos.

Quod si thesaurarius in solucione predicta ad aliquem

York, 1290. terminum, uel in aliquo eorum ad que tenetur, defecerit, ex antiqua consuetudine approbata et vsitata, primo per sequestrum corrigatur, et si infra ·viij· dies non fuerit satisfactum, tunc per decanum et capitulum de bonis thesaurarij continuo suppleatur defectus.

Incumbit uero Thesaurario de possessionibus ad onera ecclesie sustentanda assignatis specialiter disponere.

Incipiunt Statuta edita per Henricum Decanum.

[Henry of Newark, dean of York, 1290—1296.] 5 Oct. 1291. ITEM Anno Domini M°·ccxcj°· facta conuocacione ad diem qui est tercius nonas Octobris, conuenientibus in capitulo Henrico Decano, et fratribus scilicet Thoma Cancellario, Willelmo Archidiacono Eboracensi, Johanne Archidiacono Estriding, Willelmo Archidiacono Not', Willelmo Subdecano, Willelmo de Grenefeld, Thoma de Corbrigge, Roberto de la Ford, canonicis ecclesie nostre, qui in primis ad honorem Dei et ecclesie sue de hijs que erant ad cultum ecclesie necessaria tractare ceperunt,

et quedam Statuta fecerunt, sub certis titulis infrascriptis

De admissione Vicariorum ad stalla et altaria in ecclesia existencia, Statuerunt igitur ad honorem Dei et ecclesie nostre et totius cultus Diuini deuocius exequendum,

In primis, vt ad stalla uicariorum et altaria in eadem ecclesia existencia nullus ad preces quascumque amodo admittatur, sed promoueatur talis qui diucius ecclesie deseruierit, dum tamen dignus et aptus ad ecclesie seruicium, ac bene morigeratus et honestus existat.

Item nullus nouus introducatur in ecclesiam, siue uicarius, siue alius de prima forma siue de ·ij^{da}· siue promouendus ad altare, nisi per decanum et capitulum, uel per ipsum capitulum in casu quo decanus absens fuerit amplius quam per mensem;

et fuit declaratum quod quando capitulum debeat aliquem admittere absque decano, ·iiij^{or}· uel ·v· canonici in capitulo convenirent ad minus, et essent concordes.

Item nullus Vicarius, uel de inferioribus ministris, de nouo admittatur in chorum, nisi habuerit bonam uocem, et qui contra formam in articulis premissis contentam admissus fuerit, habeatur vt non admissus. York, 1291. et quod ipsi et alij habeant bonam uocem.

Item de predictis ministris ecclesie nostre quicunque uenerit ad Matutinas post *Gloria Patri* Psalmi qui dicitur *Venite* completum, perdat Horam illam preter penam in ordinacione uicarij prius statutam. Et idem statuerunt de illis qui ad missam post introitum misse completum cum *Gloria Patri*, et de illis qui ueniunt ad Horas alias preter Matutinas et Missam, citra Vesperas post ympnum completum. Item de illis qui in Vesperis et Completorio ueniunt post *Gloria Patri* finitum ante Psalmos. Item vt in omnibus Horis predictis nullus ministrorum recedat ante horam totaliter completam, et Officium Mortuorum ipsi hore connexum, nisi de licencia eius qui maior in choro presens fuerit. Quibus temporibus Vicarij et ministri uenient et erunt in choro.

Item vt in processionibus nullus de numero personarum habencium altaria, uicariorum, seu inferiorum ministrorum, se absentet et, qui forte absens fuerit,—succentor uel eius locum tenens, absenciam eius accuset in capitulo, et ibi penam recipiat pro delicto. Quod persone sint in processione.

Item vt nullus qui premunitus est per succentorem, uel subcancellarium, uel eorum loca tenentes, recuset legere uel cantare pro se, uel pro alio fortassis absente, et qui contra fecerit legitime puniatur. Quod nullus recuset legere uel cantare.

Item vt quilibet Vicarius incedat per ciuitatem in habitu honesto, et ad modum presbiteri, saltem sub habitu clauso, et non capucio retorto, nec cum sotularibus laqueatis, decollatis, rostratis, uel aliter deformatis, et qui contra fecerit, in capitulo legitime puniatur. Et idem fiet de quolibet inferiore, quamuis non sit uicarius, secundum statum suum. De Habitu Vicariorum.

York, 1291. Item vt illi qui uocantur Persone infra ecclesiam nostram, qui saltem habent altare et alij altaria tenentes, presentent literas suas quibus obligati sunt ad Officium pro Mortuis faciendum coram decano et capitulo,

et quod ille litere describantur in libro ad perpetuam rei memoriam;

et quod singulis annis predictorum singuli in festo sancti Martini se offerant in capitulo ad prestandum iuramentum, eciamsi ab eis non fuerit requisitum,

quod ipsi uoluntatem defunctorum, pro quibus ipsi celebrare fuerint deputati, provt in eorum scripturis continetur, fideliter pro uiribus exequentur;

et si in aliquo vsque ad hec tempora minus fecerint, coram decano et capitulo humiliter reatum suum confessi penitenciam recipiant de commissis,

Item prouideatur quod in altaribus quibus deseruiunt honeste sint uestes, ornamenta, luminaria, et alia pertinencia ad eadem.

et quod omnes in ecclesia celebrantes in festis ·ix· leccionum tenentur in choro dictis officijs interesse. Item vt omnes qui celebrant in ecclesia nostra ad altare quodcunque in festis ·ix· leccionum, et alijs festis maioribus, teneantur Matutinis, Misse, et alijs Horis interesse.

Item vt amodo non fiant litere sub nomine decani, nisi de ipsius consciencia, aut, si forte absens fuerit, ita euidens fuerit ecclesie vtilitas uel vrgens necessitas quod uerisimile sit existentibus in capitulo quod ipse decanus ratum habere debeat quod nomen suum capitulo preponatur,

nisi in citacionibus uel execucionibus iudicialibus.

De Firmis et Communijs, De firmis et communijs canonicorum, vt canonici, quibus assignate fuerint firme, non recipient aliquid nomine recognicionis, nisi de licencia decani et capituli;

et quod sic recipitur in decani et capituli vsus cedat.

amerciamentis. Item in amerciamentis et finibus terrarum faciendis firmarij non sint nimis graues.

De Edificijs reparandis. De edificijs prebendarum in ciuitate et extra, similiter et firmarum, et secundum statum locorum et ualorem

beneficiorum, ita probabiliter edificent, et diruta reficiant, vt mortui amplius non grauentur. York, 1291.

Item renouatum fuit illud antiquum statutum de dimissione prebendarum nostrarum ad firmam, uidelicet quod nulla prebenda dimittatur ad firmam nisi canonico ecclesie nostre, uel alteri de uoluntate et assensu capituli. De dimissione prebende ad firmam.

Item ordinatum fuit per decanum et capitulum quod si de cetero aliquis de tenentibus sancti Petri coram decano et capitulo ex quacunque causa uocatus, secum narratorem aliquem de curia contra uoluntatem predictorum decani et capituli produceret, firmam suam[1] in proximo termino duplicaret. De tenentibus, quod non habeant narratores.

Item quia predicti decanus et capitulum predecessorum suorum, qui firmarum assignacionem fecerint, intentionem diligencius sunt perscrutati, et ipsam imitari uolunt, De Residencijs, et Firmis, et Distribucionibus.

statutum est vt amodo Canonicus qui postquam fecerit maiorem et minorem residenciam, et firmam primo uacantem secundum antiquum Statutum fuerit consecutus, faciat omni anno residenciam tanto tempore in ecclesia Eboracensi continue uel interpolatim quantum est tempus vnius residencie minoris, scilicet ·xij· septimanis, vt sic augeatur cultus diuinus;

alioquin, si sic non resideat, quantumcumque ab huiusmodi residencia defecerit, ipso facto perdat firmam prius obtentam, et ipsa firma alteri assignetur canonico secundum cursum antiqui Statuti,

qui, si ius suum in consequendo firmam consequi neclexerit, perdat locum suum in firma consequenda totaliter illa uice, et firma alteri assignetur, sicut prius, et sic vlterius procedatur.

Si quis uero canonicorum firmam habens, ad dignitatem parem episcopali dignitati, seu maiorem, assumptus fuerit,

[1] 'firmam suam' Anglice, *their rent.*

York, 1291.

propter quod in ecclesia residere non possit, cadat ab omni firma quam habet, sicud de episcopali dignitate antiquitus est statutum;

quando uero Canonicus sic residens distribucionem solitum habere debeat, sicut consuetum est hactenus obseruetur.

In hoc autem Statuto circa quantitatem residencie Archidiaconorum, qui ·vj· septimanas residere consueti sunt, nichil penitus immutamus:

si canonici fuerint, et firmam aliquam optinuerint, sufficiat eis, ad hoc quod firmam suam teneant, residencia archidiaconis prescripta.

Quod ecclesia percipiat de distribucione quantum vnus canonicus.

Item quia aduerterunt et frequenter edocti sunt quod iura ecclesie Eboracensis et libertates manuteneri et defendi non possunt, nisi in ipsa ecclesia pecunia semper prompta fuerit et parata,

statutum est quod amodo ecclesia in singulis distribucionibus omni anno tantum percipiat quantum vnus Canonicus residens de residuo reddituum et communiarum, et illud receptum sit in loco tuto in ecclesia repositum, et seruetur sub ·iiij^{or}· clauibus per ·iiij^{or}· canonicos custodiendis, ita quod Decanus vnam habeat et ·ij· superiores alias tres, in communes vsus capituli et ecclesie pro causis et negocijs emergentibus conuertendum.

Et si contingat inde sumptus fieri in casu aliquo, uel negocio, qui, uel quod, ad omnes canonicos pertineat, sumptus illi de singulis prebendis pro rata leuentur, et loco reponantur predicto, et de pecunia sic recepta et ad communes vsus deputata, nec decanus, nec canonicus aliquis, nec capitulum tollere presumat uel amouere, nisi forte ipsa summa in tantum excreuerit quod aliqua porcio illius vltra sumptus faciendos possit per decanum et capitulum in aliquos honestos vsus ecclesie tantummodo palam conuerti.

Quod quilibet Canonicus habeat Vi-

Item quia quilibet Canonicus in ecclesia debet habere Vicarium suum sacerdotem qui pro se in ecclesia Eboracensi deseruiat,

et ad quemlibet Prebendarium pertincat onus suum agnoscere[1], York, 1291.

Statutum est vt quilibet Canonicus postquam fructus prebende sue perceperit, de ·xl·s· annuis duobus terminis faciat prouidere, scilicet de medietate in festo sancti Martini in yeme, et de alia medietate in festo Penthecostes, quovsque de redditibus prouidendis fuerit aliter ordinatum; carium sacerdotem, et sibi soluat ·xl· s. annuatim.

et istud onus ad omnes Canonicos extendatur, nisi forte residentes Vicarijs suis aliter prouiderint in expensis.

Item statutum fuit quod si aliqua duodena sit attincta[2] per ·iiij^{or}· prebendas uiciniores de fracto sacramento, quod illi qui fuerint in iuramento amerciabuntur, per senescallum capituli in presencia balliui prebende, quodque amerciamentum diuidatur per equalem porcionem inter capitulum et prebendarium. De duodena attincta,

Item quilibet prebendarius de uasto, si quod habeat infra prebendam suam, quod faciat commodum suum, salua sufficienti pastura tenentibus, cum libero ingressu et egressu. et de uasto,

Item quod si fructus dignitatum et prebendarum uendi debeant, canonicis offerantur, et pre alijs uendantur, si eos emere uoluerint, et tantum dare quantum alij uenditores, et suum inde faciant commodum, provt sibi melius uiderint expedire. et de prebendis mittendis adfirmam.

[1] We learn from the Royal Statutes of 1541, that previously 'Vicariorum choralium eiusdem ecclesie metropolitice in maiori residentia ·iiij^{or}· cum rubris mantellis, et in minori residentia ·ij·, singulis diebus in mensa et in prandio una cum residentiarijs interesse solebant.' They were thenceforth to receive a money payment of 6*l.* 13*s.* 4*d.* *per annum* from the Residentiary Canons and a fee of 5*l.* from each residentiary on his admission.

[2] 'si aliqua duodena sit attincta.' This relates to the case where a district becomes subject to a fine for having broken its oath. The next paragraph relates to waste lands (*de vasto*), and that which follows to the Canon's right of preemption.

De ecclesijs, Firmis, et rebus ad communiam spectantibus.

York, [1290—96.] NOS, H. Decanus et Capitulum Beati Petri Eboracensis, notum facimus Omnibus xp̃i fidelibus,

Quod cum per incuriam et necgligenciam firmariorum in rebus ad communiam nostram spectantibus, edificia ruant, libertates ecclesie nostre pereant, et in plerisque locis animarum cura necgligatur, nolumus quod alique rerum nostrarum, siue eisdem fuerit cura spiritualis annexa, siue non, de cetero, sicut prius, tradantur ad firmam,

sed cum congruum sit et decens quod nostri de nostris disponant pocius quam extranei,

statuimus vt omnes ecclesie nostre et maneria subscripta ad communiam nostram spectancia, ordinatis et taxatis uicariis modo subscripto, Canonicis tantum, qui suam maiorem et minorem compleuerint residenciam, singula cum suis pertinencijs in forma subscripta pro certo censu annuo tradantur, suo perpetuo quamdiu canonici fuerint ecclesie nostre ad episcopalem curam non assumpti, possidenda.

In primis Canonicus firmam recepturus fideliter promittat in presencia Capituli,

quod absque dilacione, occasione, seu eciam retencione ex aliqua causa firmam soluet impositam terminis statutis,

et quod bene et honeste in ipsa re conuersabitur,

alioquin firma careat et iure assignacionis eidem facte, nec illam, nec aliam postmodum, habiturus a nobis;

et quod correcciones competentes in edificijs et rebus ad ipsam pertinentibus apponet, ac ipsas res et libertates ad ipsas pertinentes, suis sumptibus pro uiribus defendet, alioquin antiquam estimacionem capitulo soluat, et ad capitulum defensio pertineat;

et quod dilapidationem uel destruccionem indebitam, seu alienacionem, non faciet, nec tenentes uel homines indebite uel immoderate grauabit.

Promittet eciam sub pena pretaxata fideliter, quod nichil impetrabit quod presenti ordinacioni in aliquo possit obuiare, nec aliquo modo ad elisionem vtetur per se uel per alium si quid in contrarium fuerit impetratum. York, cir. 1290.

Assignatis autem firmis singulis Canonicis in principio, uacante deinceps aliqua per cessionem uel decessum canonici, si quis fuerit canonicus qui nullam habeat, et suam, vt dictum est, compleuerit residenciam, ei primitus assignetur modo predicto, quovsque singuli residentes aliquam receperint.

Si uero omnes aliquas firmas habeant, tunc ad antiquiorem in residencia facta assignetur.

Et sic si plures uel vna simul uel successiue uacauerint, semper secundum originem[1] prioritatis in residencia habeat facta singulis assignetur;

vt scilicet antiquior in residencia habeat primam, ·ij^{dus}· post ipsum ·ij^{dam}·, et sic deinceps secundum residencie gradum, et iterum, si necesse sit, eodem ordine, repetatur.

Nec aliquis qui firmam vnam uel plures receperit, eas, uel eam, alij uel alijs quam Canonico residenti det ad firmam uel assignet;

quod si fecerit, firma careat modo supradicto.

Canonicus uero firmam aliquam recepturus in festo Pentecostes eam primo recipiet; et primus terminus solucionis capitulo faciende erit in termino sancti Martini yemali proximo sequente; secundus uero in festo Pentecostes immediate sequentis.

Quacunque hora Canonicus cedat uel decedat, vsque ad sequens festum Pentecostes firmam habeat, et pro anno illo integre persoluat.

Et quia ad rerum ipsarum correccionem et defensionem, ad que se nouerit quilibet astrictum, in qualibet porcione canonico tradenda de summa estimacionis iuste et consuete preter uicariam ·v^{ta}· pars subtrahatur et remittatur, et sic porcio et distribucio residentibus debita minoratur,

Statuimus vt Canonicus qui vnam minorem residen-

[1] 'originem': nescio an sit legendum 'ordinem.' Chr. W.

YORK, cir. 1290.

ciam, saltem primam yemalem, non compleuerit in singulis annis residenciam, eo termino et anno quo non residet, vt dictum est, adiecta parte illa que de iusta estimacione subtrahitur, estimacionis nominate summam soluat plenarie;

quarum singulis summa cum uicariarum taxacione competenti ad maiorem euidenciam inferius scribitur.

[TAXACIO FIRMARUM[1].]

	Estimacio preter Vicariam	Residuum habeat Canonicus pro
Burton	lx. *marc.*	xlviij. *m.*
Bubbewith	lx. hodie xl. *m.*	xlviij. *m.*
Lanum	lx. *m.*	xlij. *m.* v. *s.* iiij. *d.*
Askham, cum Drayton, et Gipismere	lv. *m.*	lv. *m.* cum Gipismere, &c. Donec uacet Drayton soluet xx. *m.*
Brotherton	lx. *m.*	xlviij. *m.*
Copenthorpe, et S. Marie Bishophill	lx. *m.*	xlviij. *m.*
S. Laurencij, cum Farburn	xxx. *m.*	xxxiiij. *m.*
Eccl'ia de Burgh, cum Burton et pertin'.	xx. *m.*	—
Burton Leonard	—	duo Canonici habent pro c. *li.*
Horneby	lxxx. *m.*	?
Kyrkeby Irelythe	lxxx. *m.*	lxiiij. *m.*
Wyverthorp	cxl. *m.*	lxxx. *m.*
Dalton	xxv. *m.*	xx. *m.*
Lyssington, cum Wirleby	xx. *m.*	x. *li.*
		Vicarius habeat totum pro
S. Joh. ad pont. Ebor.	—	xij. *m.*
Layrethorpe	—	xl. *s.*
S. Andree	—	ij. *s.*
S. Stephani	—	ij. *s.*
S. Joh. in marisco	—	vj. *s.* viij. *d.*
S. Michaelis	—	x. *m.*
S. Martini	—	x. *m.*

[1] This valuation is given at greater length in the original for which readers interested in the local details may refer to Canon Raine's edition of the *York Statutes* (1879) pp. 29—32. There it appears what offerings,

Hanc autem Ordinacionem de consilio et consensu uenerabilis patris domini Sewalli Eboracensis archiepiscopi ad vtilitatem et honorem ipsius Eboracensis ecclesie factam et prouisam, ipsius domini archiepiscopi sigillo ad maiorem in posterum firmitatem vna cum sigillo nostro fecimus roborari. York, [drawn up 1256—8.] [? renewed cir. 1290—95.]

Item alia Statuta *facta per Henricum Decanum et Capitulum.*

IN Nomine Domini Amen. Anno eiusdem M°. ccxciiij°. die Mercurij in quindena sancti Michaelis, facta conuocacione solempni canonicorum ad eundem diem per Henricum decanum et Capitulum, facta sunt Statuta subscripta. Oct. 1294.

In primis ad laudem Dei et ueneracionem sanctorum, Statutum est quod illorum sanctorum quorum corpora in ecclesia sancti Petri et citra ipsam sunt humata, et qui canonizati sunt, et de quibus nec sit memoria, nec seruicium in ecclesia beati Petri, amodo fiat memoria et seruicium diebus ad hoc statutis, scilicet: De seruicio pro mortuis etc.

De festo Translacionis sancti Willelmi, quod sit duplex festum.

Item specialiter ad laudem et honorem gloriosi presulis Willelmi archiepiscopi, cuius Translacio suis temporibus fuerat celebrata,

Statutum est vt dies Translacionis eiusdem sit duplex festum.

Item statutum est quod de libris ecclesie, ornamentis, et uestimentis, et aliis in ecclesia existentibus et in thesauraria eiusdem, fiat Inuentorium solempne ad quod decetero fieri possit recursus. De faciendo Inuentorium librorum et ornamentorum ecclesie.

mortuaries, dues, tithes, mills, &c. were payable to the Vicar or Vicars, and what payments some of these had to make to their canon 'nomine capituli,' and their obligations to the parish churches.

York, 1294.

Item quod iura et libertates ecclesie, ad que obseruanda et defendenda omnes canonici iuramentis sunt astricti, non possunt bene defendi nisi cognosceretur status omnium prebendarum,

Item quod scribatur liber in quo Prebende cum pertinencijs scribantur.

Statutum est quod fieret vnus liber in quo conscriberentur omnes prebende singillatim, et in quibus bonis et iuribus et consuetudinibus quelibet prebenda ab antiquo tempore extiterit, et eciam confeccionis iam existit.

De prebenda ad firmam dimittenda, et iuramento prestando.

Item quia inuente sunt alique prebende date ad firmam passim et indifferenter absque consciencia decani et capituli, et contra Statutum antiquum, et ex hoc iura prebendarum uiolantur et pereunt, et poterunt perire in futurum, pretactum Statutum antiquum renouatum est, scilicet

quod nulla prebenda alteri quam canonico tradatur ad firmam, nisi de licencia decani et capituli alicui ydonee persone, si viderint vtilitatem ecclesie expedire,

ita quod prestet iuramentum de iuribus et libertatibus prebende eiusdem inuiolabiliter defendendis, et Statutis ecclesie firmiter obseruandis.

De nouis Statutis non seruatis sic fiat, quod amodo firmiter obseruentur

De tarde uenientibus ad chorum.

et de illis qui nimis tarde ueniunt ad Horas, hoc firmiter teneatur,

quod perdant Horam, et nichilominus sint ad Horam, etsi ex consuetudine perdant pro illa Hora denarium;

in recepcione autem denariorum in fine septimane Custodes chori denuncient Camerario quis perdiderit denarios, et quis non;

et omnium trium iudicio relinquatur;

et sint Custodes ad presens Willelmus Appleby et Simon uicariorum precentor.

Quod garrulatores perdant denarium.

De garrulatoribus et solute se habentibus Ordinatum est quod perdant denarium diurnum.

et ille denarius applicetur Custodibus.

Et, quis fecerit risum uel insolenciam, custodum iudicio relinquatur; York, 1294.

et si custodes sollicite officium suum non fecerint, perdant quod receperint, et in capitulo corrigantur.

De repeticione historiarum iniungatur Succentori quod Vicarij in recepcione sua iurent, et nulli parcatur, quod repetent historias suas, De repeticione historiarum.

et qui non fecerit, accusetur in capitulo, et conuictus de periurio expellatur.

Nullus exeat uillam sine licencia, De licencia exeundi uillam per Vicarium petenda.

quod si fecerit, amittat postquam uenerit per ·viij· dies communiam, et nichilominus intersit omnibus Horis:

quod si facere recusauerit, penitus expellatur.

Debet autem petere licenciam a Decano, si fuerit presens; et, si absens fuerit, a maiore post ipsum; et, si nullus Canonicus fuerit presens, a maiore de Choro, si presens fuerit.

Declaratio Statuti proximo superius recitati.

Item quinto decimo die Mensis Augusti, anno Domini M°·ccc·lxix°. Capitulum ecclesie Eboracensis declarauit predictum Statutum quod incipit, Nullus exeat uillam sine licencia, et cetera, in ea parte qua inseritur in eodem, *Debet autem petere licenciam a Decano, si fuerit presens, et si absens fuerit, a maiore post ipsum*, quod ille in hac parte censeri et reputari debeat esse maior, qui fuerit Canonicus eiusdem ecclesie, ac suam in ea maiorem residenciam canonicalem compleuerit, priusquam ceteri canonici sui tunc presentes suam huiusmodi residenciam compleuerint; 15 Aug. 1369.

si omnes Canonici predicti absentes fuerint, preter unum, ille maior habeatur in hoc casu.

Et quia consuetudo solet esse antiqua quod prima pulsacio ad Matutinas solet durare per tantum spacium quod Matutine beate Virginis possent dici, antequam finiretur; De pulsacione ad Matutinas.

York, 1369. et pulsacio Prime per spacium ·iij^{um} miliarium,

volunt Decanus et Capitulum quod hec consuetudo decetero teneatur.

De Custodibus altarium. Custodes altarium in ecclesia, qui Rectores dicuntur, de cetero intersint festis ·ix· leccionum, maxime maioribus horis, et processionibus,

aut conferent ·j· denarium luminari sancti Johannis pro Hora.

Item alia Statuta, et Statutorum Declaraciones.

16 Aug. 1325. IN Dei Nomine Amen. Anno eiusdem M°ccc·xxv°·, decimo sexto die mensis Augusti, facta conuocacione solemni ad eundem diem per magistrum R. de Pykerynge Decanum ecclesie beati Petri Eboracensis et Capitulum eiusdem, comparentibus in capitulo dicte ecclesie predicto domino Decano, magistro Roberto de Ryppylingham Cancellario, Johanne de Warenna, Ricardo de Hauerying, R. de Cestre, priore de Exeldesham, R. de Erium, Johanne Giffard, Waltero de Yarewell, Roberto de Waloyns, et W. de la Mare personaliter,—Ricardo de Clare, Heruico de Staunton, priore Sancti Oswaldi, Ada de Blida, Henrico de Clyffe, Simone de Monteacuto, Thoma de Cherleton, Gilberto de la Bruer, et Ricardo Baldok dicte ecclesie Canonicis, per procuratores ad consentiendum omnibus, que in dicta conuocacione contingeret ordinari, habentes plenarie potestatem;

post aliquales tractatus habitos super arduis negocijs statum ecclesie intime contingentibus, pro quibus predicti confratres specialiter ad dictum diem fuerant conuocati;

ac demum recitatis quibusdam articulis declaracionem indigentibus, super quibus placuit deliberare vsque in crastinum;

17 Aug. quo die iterum, vt supra, conuenientibus in capitulo ad honorem Dei et predicte ecclesie vtilitatem super dictis articulis Statuta ediderunt infrascripta.

In primis statuerunt quod quando dignitates, prebende, officia, seu firme, per decanum et capitulum debeant uisitari, York, 17 Aug. 1325.

De Visitacione dignitatum et prebendarum.

Decanus veniet ad locum uisitandum cum ·xix· equis, et Canonicus sibi associatus pro capitulo cum ·v· equis, ita quod habeant in vniverso ·xxiiij· equos, et in locis singulis per ipsos uisitandis in esculentis et poculentis et alijs necessarijs pro equis, familia, et euecturis suis, prout decet, honorifice procurentur;

alioquin ·xlvj· s. ·viij· d. pro eorum procuracione recipiant, dum tamen dignitas, prebenda, officium, seu firma, secundum taxacionem decime nunc currentis, ad ·xl· marcarum summam integraliter se extendant.

De minoribus uero dignitatibus, prebendis, seu firmis, que ad tantam summam secundum taxacionem nullatenus se extendunt, taliter statuerunt,

vt tot simul coadunentur, quousque ad dictam summam ad minus perueniatur, et sic coadunate sub vna procuracione uisitentur, et ipsorum beneficiorum sic coadunatorum possessores ad dictam procuracionem pro rata contribuant porcionis.

Item vbi dignitas, prebenda, seu firma habet plures ecclesias annexas, populum habentes, que non vno die commode poterunt uisitari,

statuerunt quod singule separatim uisitentur, et singulas soluant procuraciones, si porcio uisitanda secundum estimacionem ueri ualoris ad ·l· marcas se extendat;

si autem tantum non ualeat, coadunetur aliquibus minoribus, et fiat, vt in proximo superius est expressum.

De sumptibus appositis pro edificijs et reparacione domorum, etc.

Item si aliqui dignitates, prebendas, uel alia beneficia in dicta ecclesia optinuerint, in quibus domos seu edificia de nouo edificauerint, uel magnos sumptus circa reparacionem edificiorum dirutorum apposuerint vtiliter in uita sua, ac de suis predecessoribus pro defectibus nichil receperint uel recipere potuerint; quodque si post ipsorum decessum per inquisicionem auctoritate dictorum decani

York, 1325.

et capituli factam aliqui defectus comperti fuerint ipsorum tempore imminentes, equitate pensata statuerunt

quod fiat compensatio ad concurrentis quantitatem de necessarijs domibus seu edificijs per defunctos edificatis seu vtiliter reparatis.

De inquisicione capienda super defectibus domorum.

Item, quia sepe contingit quod post decessum beneficiariorum in dicta ecclesia successores ipsorum in ipsis beneficijs per inerciam et necgligenciam domos et edificia ruere permittunt, licet tempore admissionis et induccionis eorundem in statu ipsa edificia inuenerunt competencia, et tamen per multa tempora post decessum predecessorum suorum inquisiciones super defectibus, vt premittitur, imminentibus, ac si in uita defunctorum accidissent, prosequi non uerentur,

statuerunt vt decetero infra ·vj· septimanas a die induccionis alicuius in possessionem cuiusque beneficij ecclesie memorate continue numerandas, is qui beneficium sic possidet, negocium inquisicionis super defectibus, vt premittitur, incipiat efficaciter prosequi, si sua uiderit interesse;

quod si non fecerit, impedimento cessante legitimo, postmodum in ipso negocio nullatenus audiatur.

De domibus Residenciarijs assignandis.

Item, si Canonicus uolens facere residenciam, domos ad prebendam suam pertinentes non habens in quibus ualeat residere, assignacionem pecierit domorum alicuius canonici residere nolentis, per Decanum et Capitulum, vt consuetum est, poterunt assignari;

si autem dicte domus districte ad inhabitandum insufficientes [fuerint], inprimis uocetur dominus domorum, uel eius procurator, ipso domino in remotis agente, per literam capituli, ad uidendum statum domorum et ad interessendum taxacioni defectuum in ipsis compertorum, si sua uiderit interesse;

quo sic uocato, siue uenerit, siue non, habita prius [inquisicione] per uiros fidedignos super appositis per inhabitantem Canonicum in necessarijs edificijs, appositos Canonico inhabitanti soluere teneatur.

Quod si facere noluerit, per Decanum et Capitulum compellatur; York, 1325.

si uero sufficientes fuerint tempore assignacionis, tunc inhabitans pro commodo more sue ipsas domos in coopertura et parietibus, suis sumptibus sustentabit, et eciam in grosso maeremio†, si per ipsius defectum ruina contigerit imminere.

Item Canonicus prebendam adeptus in dicta ecclesia, si fructus eiusdem per ·iij· annos integre perceperit, deinde permutacionem faciat cum alio beneficio in alia ecclesia, seu ipsam prebendam alio quocunque modo dimittat, De capa et palefrido.

statuerunt vt vnam Capam chori uel ·xx· marcas pro eadem, et palefridum suum, uel ·x· marcas pro eodem, soluere teneatur.

Statuerunt eciam ad honorem Dei quod festum Corporis Christi sub officio duplici in choro et in mensa de cetero celebretur[1]. Quod festum Corporis Xpî sit duplex in choro et mensa.

Voluerunt insuper et statuerunt quod duo Statuta antiquitus edita ad maiorem ipsorum corroboracionem hic insererentur et confirmarentur, Confirmacio duorum statutorum de Fructibus prebendarum et dignitatum ad firmam dimittendis et Juramento procuratorum.

que talia sunt.

¶ Statutum est quod si fructus dignitatum seu prebendarum uendi debeant, uel ad firmam dimitti, Canonicis offerantur, et pre ceteris uendantur, si ad firmam dimittantur, si eos emere uoluerint, et tantum dare quantum alij offerre uellent sine fraude; alioquin uenditores suum inde faciant commodum, prout melius sibi uiderint expedire.

[1] The feast of Corpus Christi was instituted by pope Urban IV. in 1264. It is not in the list published by the Synod of Exeter in 1287 (Wilkins *Concil.* ii. 145 &c.) but is specially mentioned in the provincial constitution of Simon de Mepham in 1332 (*ibid.* ii. 560) and in the order of Ralph de Salopia for the diocese of Bath and Wells in 1342 (ii. 711). Here and there may be found a service-book written in the early part of the 14th century in England with no sign of the introduction of this festival as yet apparent (e.g. MS. Univ. Cantab. Kk. 6. 48).

York, 1325.

Item, licet Canonici, uel ceteri dignitates optinentes in ecclesia Eboracensi, in sancta Romana curia, uel alijs partibus transmarinis commorantes ad defensionem et conseruacionem iurium, libertatum, et consuetudinum dicte ecclesie, et ad onera ecclesie secundum quantitatem beneficij supportanda, cum alijs consuetis articulis in iuramento canonicorum contentis, uirtute iuramenti in animas suas per suos procuratores successiue constituti, non absque dominorum suorum periculo et ecclesie dispendio articulos in dicto iuramento contentos paruipendere non uerentur,

Statuimus igitur vt singuli Procuratores talium in longinquis partibus, vt premittitur, commorancium successiue constituti, antequam ad administracionem in bonis et beneficijs dominorum suorum admittantur, consimile prestent iuramentum, sicut procuratores in admissione dominorum suorum facere consueuerunt, et ad hoc, si necesse fuerit, districcius compellantur.

Ordinacio super hijs que sunt inuenienda in Ecclesijs per Prebendarios, seu firmarios, ac per Vicarios et parochianos.

Memorandum quod ex Ordinacione canonica Decani et Capituli ecclesie Eboracensis antiquitus facta et diucius obseruata, ad prebendarios et firmarios perpetuos in eadem ecclesia de nouo facienda et facta reficienda, et sustentanda, pertinent infrascripta[1]: uidelicet

Cancellus:

item fenestre uitree in eodem:

item omnes libri, preter missale:

item omnia uestimenta preter festiuale, quod ad parrochianos pertinet, vna cum capa chori, tunica, et dalmatica, vt infra patet:

item pertinet ad eundem corporalia, et superpellicia, cum rochetis:

[1] Directions and decisions as to the ornaments and necessaries to be provided for divine services by Rectors, Vicars, and Parishioners respectively, were issued by Walter de Cantilupe Bp of Worcester in 1240, Giles de Bridport Bp of Sarum in 1256, the Synod of Sodor in 1291 (Dugd. *Monast.* v. 255 *n.*), Abp Robert Winchelsey cir. 1306, and Abp Simon Langham 1367. See Wilkins *Concilia* i. p. 666, 714, Lyndewode *Provinciale* ed. 1550 fo. cxxxvi, lib. 3. fo. cxxix. MS. of W. de Swynflete archd. of Norwich, ap. Harrod *Norwich Archæol.* v. p. 89.

item palle altaris et sacrarij:

item candelabra enea uel stagnea pro cereis deportandis:

item uelum quadragesimale, cum ceteris ornamentis, preter ea que uicarius et parrochiani inuenient, prout inferius subscribuntur.

Ad Vicarios uero pertinet

pixis pro conseruando corpore xp̂i, et pro oblatis reponendis:

item chrismatorium:

item fiole pro uino et aqua:

item nauicula pro thure:

item tintinnabulum cum lucerna:

item cathene thuribulorum cum fuerint reparande:

item uexillum pro cruce processionali de syndone radiato:

item ligatura et coopertura omnium librorum cum indiguerit:

item formule in cancello cum deschis:

item stola que cum Corpore xp̂i ad mortuos defertur, qua vtitur in exequijs mortuorum:

item canopeum vltra Corpus xp̂i:

item cratis tenebrarum:

item candelabrum pro cereo paschali:

item fulcimentum pro libro:

item tabula pro pace.

Ad parrochianos pertinet

uestimentum festiuale, cum capa chori, tunica, dalmatica:

item missale:

item calix:

item fons baptismalis:

item campane, et campanule manuales et crux ad mortuos deferenda:

item feretrum pro mortuis, cum uase pro aqua benedicta:

et factura et reparacio tocius nauis ecclesie, cum clausura cimiterij.

Festa Duplicia *in mensa canonicorum*, videlicet,

Vigilia Omnium sanctorum	31 Oct.	
cum Die sequenti	1 Nov.	
Dies Commemoracionis Animarum	2 Nov.	
Vigilia sancti Andree	29 Nov.	
cum Die sequenti	30 Nov.	
Concepcio beate Marie Virginis	8 Dec.	
Vigilia Natalis Domini	24 Dec.	
cum .v. diebus sequentibus	25—29 Dec.	
Circumcisio Domini	1 Jan.	
Epyphania Domini	6 Jan.	
Dies Translacionis sancti Willelmi	8 Jan.	
Dies Purificacionis beate Marie	2 Feb.	
Cathedra sancti Petri	22 Feb.	
Annunciacio sancte Marie	25 Mar.	
Dies *pa*rascheue		*festa mobilia.*
Vigilia Pasche		
cum ·iiij^{or}· diebus sequentibus		
Dominica in Albis		
Translacio sancti Wilfridi	24 Apr.	
Deposicio sancti Johannis Beuerlaci	7 May.	
Vigilia Ascensionis Domini		*festa mobilia.*
cum Die sequenti		
Vigilia Pentecostes		
cum ·iiij^{or}· diebus sequentibus		
Festum sancte Trinitatis		
Deposicio sancti Willelmi	8 Jun.	
Festum Corporis Christi	*fe. mobile.*	
Vigilia sancti Johannis Baptiste	23 Jun.	
cum Die sequenti	24 Jun.	
Vigilia Apostolorum Petri et Pauli	28 Jun.	
cum Die sequenti	29 Jun.	
Ad Vincula sancti Petri	1 Aug.	
Vigilia Assumpcionis beate Marie	14 Aug.	
cum Die sequenti	15 Aug.	
Natiuitas beate Marie	8 Sep.	

Dies sancti Michaelis ..... 29 Sep. York.
Deposicio sancti Wilfridi..... 12 Oct.
Festiuitas sanctarum Reliquiarum..... 19 Oct.
Translacio sancti Johannis Beuerlaci..... 25 Oct.

[Dr Henderson has printed the same list, with a few slight verbal variations, from the Registrum Johannis Rokeby, A.D. 1545. *York Missal* I. p. xvi. 1874.]

Taxacio Dignitatum

in ecclesia Eboracensi.

Decanatus..... 373*l.* 6*s.* 8*d.*
Precentoria, uetus ..... 16*l.* 13*s.* 4*d.*
„ noua ..... 10*l.*
Cancellaria ..... 33*l.* 6*s.* 8*d.*
Thesauraria, uetus ..... 233*l.* 6*s.* 8*d.*
„ noua..... 110 *m*[*arcarum*].
Subdecanatus ..... 53*l.* 6*s.* 8*d.*
Succentoria ..... 13*l.* 6*s.* 8*d.*
Archidiaconatus Clyueland..... 36*l.*
„ Eboracensis ..... 68*l.*
„ Richemond, uetus ... 200*l.*
„ „ noua..... 100*l.*
„ Estridyng ..... 42*l.* 6*s.* 8*d.*
„ Notyngham ..... 17*l.* 9*s.* 0*d.*

Taxacio Prebendarum.

Prebenda de
Ampelford ..... 60 *m.*
Warthull ..... 10*l.*
Laughton ..... 110 *m.*
Frydaithorp ..... 60 *m.*
Northnenbald ..... 80 *m.*
Driffeld ..... 100*l.*

YORK. *Prebenda de*

Strensall	80 *m.*
Southnenbald	20*l.*
Wetewange	180 *m.*
Wistowe	100*l.*
Ricall	70 *m.*
Langetoft	100*l.*
Salton	80 *m.*
Osbaldewyke	40 *m.*
Donyngton	10*l.*
Ulskelf	20*l.*
Bychil, cum Knaresburgh, uetus	70 *m.*
„ „ noua	20*l.*
Buggethorp	60 *m.*
Fenton	80 *m.*
Bolum	24 *m.*
Holme archepi	25 *m.*
Southcaue	160 *m.*
Geueldale	18 *m.*
Stilyngdon, uetus	70 *m.*
„ noua	20 *m.*
Masham, uetus	250 *m.*
„ noua	120 *m.*
Bramham	60 *m.*
Wilton	33*l.* 6*s.* 8*d.*
Hustwayte	40 *m.*
Wyghton	60 *m.*
Barneby	14*l.*
Applesthorp	10*l.*
Grendale	10*l.*
Butteuaunt	20*l.*
Thokeryngton	10*l.*
Bilton	10*l.*

Taxacio Vicariarum.

Laughton	8 *m.*
Northnenbald	100 *s.*
Elghton	7 *m.*
Langetoft	10 *m.*
Knaresburgh, uetus	10*l.*
„ noua	6 *m.*
Shirbourne	100 *s.*
Bolum	7 *m.*
Caue	10 *m.*
Waddeworth	6½ *m.*
Masham, uetus	20*l.*
„ noua	40*s.*
Wyuerthorp, uetus	8 *m.*
„ noua	5 *m.*
Lanum	8 *m.*
Pykeryng	10 *m.*
Ellerbourne	10 *m.*

LINCOLN CUSTOMS:

The 'Dignitates, Libertates, Immunitates, et Consuetudines' of A.D. 1214.

These early customs, cited in 1312 as the *Registrum Vetus*, were entered in the *Martilogium* formerly kept in the Chapter House at Lincoln. The originals are lost, but the text is known to us (1) from the copy sent to Moray and entered in their register, (2) from Antony de Bek's book at Lincoln, written about 1315—1325, which is the text here printed, and (3) from John de Schalby's book also at Lincoln, and written a few years later, 1330—1333. This last ('*S*') being an inferior copy[1], I have not given all its various readings where the Moray copy ('*Mor.*')[2] agrees with Antony de Bek's *Registrum Canonicorum* ('*B*').

Two Chapters (vi. and ix.) do not appear to have been sent to Moray in 1214, but as they existed at Salisbury in 1091 it seems not improbable that they were entered in the Martyrology at Lincoln at the same time as the other chapters, very probably soon after the enquiry from Moray had turned the minds of the Lincoln Chapter to the thought of committing their customs to writing.

[1] John de Schalby's copy ('*S*') has moreover lost nearly half this document, as leaf 19 has been torn off diagonally. This writer tells us that the document was exhibited, in a *liber antiquus* containing this among other writings, on the part of the opponents of Roger de Mortival, at that time Dean of Lincoln. These were the Canons who were making good the right of the Chapter to influence the judgements pronounced and executed by the Dean.

[2] *Registrum Moraviense*, [ed. Cosmo Innes] 4to. Edinburgh, 1837, for the Bannatyne Club, pp. 45—47.

* *Sumpta de Martilogio antiquo.*

LINCOLN, A.D. 1214.

* A. de Beek's Book, lf. 10b.

(I.)

¶ Hec sunt dignitates et consuetudines et libertates ecclesie Linc' videlicet quod

[Dominus].. Episcopus [noster][1] quociens aliquem personatum vel prebendam in ecclesia [nostra][1] Linc' vacare contigerit, eam in camera sua vel ubicumque voluerit, siue [2]per panem siue[2] per librum vel alio quolibet modo sua auctoritate, non requisito consensu capituli, cui voluerit, ydoneo tamen, conferre potest, excepto solo Decanatu /

Quo vacante, ad capitulum pertinet Decani sui electio / Non quidem prehabito cum Episcopo[3] super hoc sermone / nec ipsius requisito assensu /[3]

'super hijs prius requisito.'

Electionem vero Decani a capitulo celebratam ratam habere tenetur Episcopus / et presentatum sibi a capitulo oportet[4] admittere / nisi persone electi rationabilem causam repulsionis obiciat.

¶ Decanus autem Episcopo presentatus et ab eodem admissus installatur ab.. Episcopo / vel a capitulo.

Quilibet autem alius Canonicus postquam concessionem domini.. Episcopi habuerit de personatu aliquo vel prebenda litteras[5] ipsius ad Decanum deferre consueuit de assignacione stalli in choro et loci in capitulo ei facienda /

¶ Decanus autem eum instituet cum textu et euangelio canonicis psallentibus *Ecce quam bonum* et cetera / Decano dicente orationem / *Acciones nostras* et cetera / et

[1] *add.* Mor. [2–2] *omit.* S. [3–3] super hijs prius requisito. *Mor.*
[4] omnino: *Mor.* [5] 'licet' *S.*

Lincoln, A.D. 1214. postea a Decano installabitur / absente autem maiore Decano / Subdecanus vel[1] is cui...Decanus mandabit / id exequetur /

¶ Installatus vero Canonicus, recepta prius Communa / singulis canonicis sex denarios dabit ad vinum comparandum in die sue installacionis.

¶ Quilibet autem canonicus fidelitatem iurabit ecclesie
† 'et' *B.* in† capitulo statim post [suam institucionem ante] suam installacionem,

et quod consuetudines rationabiles ecclesie, prout eas didicerit, obseruabit.

¶ Singuli etiam[2] canonici .. Decano simplici verbo obedientiam promittent[3].

(II.)

¶ Preterea in ecclesia Linc' quatuor sunt personatus / et totidem sunt persone excellentes

† 'tenet..' *B, Mor.* inter quas primum locum habet† .. Decanus /

secundum cantor

Tertium Cancellarius /

quartum / thesaurarius / qui de thesauraria sua, et redditibus thesaurarie inuenire debet luminaria [et][4] vinum [et][5] hostias / [et][4] carbones / [et][5] thus / et vtensilia necessaria in ecclesia et sarta tecta habere / et servi-

* Lf. 11a. 'et' repeated. entibus in ecclesia / mercedes suas soluere / et* multa alia que vix possent numerari.

¶ Cohercio autem personarum predictarum [et][6] canonicorum omnium ad Decanum pertinet et Capitulum / Decani autem ad Capitulum /

Nec ullus canonicus .. Episcopo super hijs que ad prebendam suam pertinent / vel de persona sua[7] vel

[1] *interlin.* B. [2] 'autem' *Mor.* [3] 'prestabunt' *Mor.*
[4] *habet* Mor. [5] *habet* B.
[6] *add.* Mor. [7] *interlin.* B.

prebenda / alibi quam in Capitulo Lincolniensis ecclesie respondebit. LINCOLN, A.D. 1214.

¶ Episcopus vero neque per se neque per litteras prohibere potest / quin .. Decanus et Capitulum de causis Canonicorum / et transgressionibus eorum cognoscat[1] / nec sua auctoritate id facere / vel earum cognicionem potest protelare.

¶ Decano quidem errata canonicorum corrigere vel de causis eorum cognoscere nolente vel necgligente vel absente : etiam[2] capitulum sua auctoritate ea poterit[3] expedire.

(III.)

¶ Ad hec omnes ecclesie prebendate / nec non ille que in territorio[4] prebendarum ecclesie lincoln' site sunt in quibus aliquis canonicus Jus habet aduocacionis / ab omnibus episcopalibus sunt exempte / tam synodalibus / quam omnibus alijs episcopalibus / adeo quod nullus Archidiaconus prouincialis / nullus Decanus ruralis [nullus officialis episcopi vel archidiaconi aliquam eisdem ecclesiis vel earum parochijs, vel contra earum parochianos][5] jurisdiccionem sibi valet vendicare / set ad quemlibet canonicum in sua prebenda emergencium causarum omnium tam pecuniariarum quam spiritualium cognicio pertinet et decisio / nisi ab eo appelletur[6] ad maiorem .. Decanum et capitulum / vel Episcopum vel superiorem.

¶ Hoc autem indistincte intelligendum est / scilicet[7] siue parochiani predicti / sint clerici vel laici / siue sint homines et tenentes [ipsius] canonici / siue domini Regis / vel[8] Episcopi / siue alicuius comitis[9] / Baronis / Militis / vel frankellani vel cuiuscumque alterius /

1 -cant *S.*
2 'vel etiam absente' *Mor.*
3 'potest' *Mor.*
4 'in extraterritorio' *S.*
5 *add.* Mor.
6 'appellaretur' *S.*
7 'quod' *S.*
8 'siue' *Mor.*, *S.*
9 *omit.* Mor.

LINCOLN, A.D. 1214.

¶ Capellani autem in ecclesijs prebendatis ministrantes / vel eciam in ecclesijs in territorio prebendarum constitutis / quarum ius patronatus aliquis canonicus habet / nec non et persone et vicarij earum / propter vocacionem[1] .. Episcopi vel Archidiaconi prouincialis vel Decani ruralis vel alicuius officialium eorumdem / ad[2] aliquod prouinciale capitulum venire non tenentur[2] /

Ad synodum tamen prouincialem / et ad annuam processionem in ecclesia cathedrali faciendam / ijdem capellani accedere debent /

De nulla tamen causa eorum in eadem synodo respondebunt nisi ad Episcopum per appellacionem fuerit delata /

(IV.)

¶ Preterea notandum quod Canonico ecclesie Lincoln' defuncto / anni[3] redditus prebende sue debentur plenarie /
* Lf. 11b. et integre / anno currere incipiente a die* obitus sui quocumque anni tempore in fata decesserit / ita tamen si existens canonicus dicte ecclesie diem clauserit extremum

Similiter et eiusdem anni comunam percipiet in pias causas pro eius anima expendendam

Singulis vero annis in perpetuum anniuersario die obitus sui / illius diei comunam percipiet

¶ Quolibet autem canonico defuncto : Decanus et Capitulum possessionem et saisinam prebende ipsius vacantis / sua auctoritate nanciscetur : Episcopo partes suas non interponente in aliquo / nisi in sola prebende collacione.

¶ Similiter si contigerit aliquem canonicum / pro suo excessu ad tempus fructibus prebende sue priuari / vel a perceptione ipsorum suspendi / prebenda illius cum fructibus ipsius interim in Custodia .. Decani erit et Capituli / donec per comune consilium capituli quid de eisdem fructibus fieri debeat : prouisum fuerit

[1] 'pro vocacione' *Mor.*, *S.*

[2-2] 'ad nullum...venire tenetur.' *Mor.*

[3] 'annui' *Mor.*

(V.)

LINCOLN, A.D. 1214.

¶ Hijs autem que de Installacione / et quatuor personatuum preminencia / supra memorata sunt / adiciendum est.

quod .. Decanus in introitu chori a dextris primum stallum obtinet

Cancellarius vltimum

A sinistris vero Cantor primum

et Thesaurarius vltimum / ex opposito Cancellarij[1].

(VI.)

¶ 'Decanus' / 'Cantor / Cancellarius / et Thesaurarius' et Subdecanus / 'residentes' debent esse 'in ecclesia.' Sar. 1.

¶ 'Decanus omnibus canonicis et omnibus vicarijs preest quo ad regimen animarum ut[2] correctionem morum /' Sar. 14.

¶ 'Cantor debet chorum regere quo ad cantum /' Sar. 15.

'et potest cantus eleuare et deponere /' Sar. 16.

¶ 'Similiter' et 'Cancellarius in scolis regendis Sar. 19.

et libris corrigendis' Sar. 20.

¶ Ad .. Subdecanum vero pertinet 'vices' Decani agere si .. Decanus absens fuerit / Cf. Sar. 29.

et penitencium confessiones audire / et eis penitencias infligere / *non habet* Sar.

¶ 'Archidiaconi' in 'solicitudine parochiarum et in cura pollent animarum.' Sar. 21.

¶ 'Succentor' autem / 'cantoris /' si cantor absens fuerit / sicut 'Subdecanus / Decani / vices' sup[p]lebit / Cf. Sar. 30.

Cancellarius vero 'debet lectiones terminare / et asculture /' ('Archischola' *Sar.* 31.

[1] The Moray copy reads 'Cancellario.' It omits all ch. VI. which is derived entirely from the Sarum *Institutio Osmundi* A.D. 1091. Bradshaw has shown by the use of inverted commas how much is quoted from St Osmund. See pp. 8—10 above.

[2] 'et' *Sar.* and *Schalby.*

Lincoln, A.D. 1214.

et 'sigillum ecclesie portare /' Sar. 3
'litteras / et cartas componere /' Sar. 3
'et [in][1] tabula lectores notare /' Sar. 3
'et Cantor similiter cantores.' Sar. 3

(VII.)

Chapters VII., VIII., not derived from Sarum, were sent to Moray.

¶ Sufficit autem ad obtinendam prebendam / siue curam animarum habeat annexam / siue non / Institucio Capituli precedente concessione [episcopi][2] canonica. *non ha* Sar.

(VIII.)

*Lf. 12a.

¶ In malefactores *quidem vel inuasores prebendarum linc' ecclesie / vel direptores possessionum eiusdem ecclesie / .. Decanus et Capitulum sua auctoritate specialem vel generalem potest[3] ferre sentenciam / si commoniti ijdem transgressores / lesis satisfacere noluerint [competenter][4]. *non ha* Sar.

(IX.)

Not sent to Moray in 1214.

¶ 'Si uero' canonici 'de inobediencia' vel 'rebellione vel' aliquo 'alio[5] notorie deprehensi fuerint / debent a stallo degradari et ad hostium chori post .. Decanum vel in choro ultimi puerorum secundum quantitatem delicti penetenciam agere 'noto Sar.

'Quod si hanc disciplinam necglexerint / et incorrigibiles apparuerint / seueriori subiacebunt vlcioni.' Sar. 'subi ant'

Sumpta in fine antiqui Martilogij.

Copied from the first quire of Anthony de Bek's book (which quire is intitled 'Registrum Canonicorum ecclesie Lincolnie' and contains the Dignitas episcopi and this), Oct. 5, 1880.

Henry Bradshaw.

[1] *add.* S. *habet* Sar.
[2] *add.* Mor.
[3] 'possunt' *Mor., S.*
[4] *add.* Mor.
[5] 'modo' *S. Mox*, 'notorio.'

Constitutiones Lincolnienses et Capitula de Residentia

otherwise called

Statuta Vicariorum.

An account of this collection of Lincoln Customs, which found its way to Scotland like the preceding document in the early part of the thirteenth century, has been given in Chapter I. § 4 of the former volume of Lincoln Statutes.

The text here given is that in the Moray Register (Wilkins *Concilia* i. pp. 534—537) with a few emendations suggested by Mr Bradshaw, and compared by C. W. with the Bannatyne Club edition (1837) of the Moray Register, pp. 51—58. The various readings are from *L* the copy registered in the Lincoln Chapter Acts *Liber Primus* (A. 2. 21), about A.D. 1309. This document is there entered in large writing, text hand under the title '¶ *Statutum vicariorum*,' commencing in § 9, 'Si quis canonicus' and ending ...'*in nomine Domini*' (§ 55 in the *de Gestu Clericorum*).

§§ 2—8 occur in the Chapter Act as the conclusion.

Portions are also preserved in MS. ¶, Anthony de Bek's book (A. 2. 2) written early in the fourteenth century, and in MS. *T* (A. 2. 6, lf. 15^a, and 12^b—15^a), a volume which owes its preservation in part to the care of Matthew Parker when he was Dean of Lincoln, in the section which was written about 1430—40.

LINCOLN, A.D. 1236, &c.

Constitutiones Lyncolnienses · et capitula de residentia.

1. Hec sunt in parte consuetudines et observationes Lyncolniensis ecclesie · /

scilicet quod

2. quilibet canonicus · sive fuerit in personatu / sive in archidiaconatu constitutus sive non · habebit vicarium in ecclesia nisi fuerit residens.

3. Residere quidem tene[n]tur decanus · precentor · cancellarius · thesaurarius · et subdecanus · et ad hoc in promotione sua juramento astringitur[1].

4. Illi autem qui non sunt residentes · prestabunt septimam partem prebende sue in augmentum commune residentium.

omit. L. *add. L.* 5. Sed hanc penam evitabit qui [per] tertiam partem anni [in ecclesia] continue sive interpollate fecerit residentiam.

6. verum ab hac necessitate releventur archidiaconi pro parte · quibus sufficit per ·xl· dies similiter sive continue sive interpollate ad evitationem istius pene in ecclesia integre residere.

7. Nullus autem tenetur habere vicarium / si[2] per tertiam partem anni duxerit abesse / sive continue / sive interpollate.

8. illi autem[3] qui per duas partes anni moram integram fecerint in ecclesia modo predicto · quantum ad emolumentum quod residentes contingit percipiendum et penam evitandam · pro residentibus habentur[4].

[1] -untur *L*, *T*. *et mox*, Isti...*T*.
[2] 'et si' *T*. *et mox*, 'reduxerit.'
[3] 'enim' *L*, *T*.
[4] 'habeantur' *L*, *T*.

LINCOLN, A.D. 1236. ¶ Statutum Vicariorum.

9. Hoc tamen expresso quod,

si quis canonicus habens vicarium inchoaverit residere · nichilominus retinebit vicarium usque ad proximum terminum stipendiis vicariorum solvendis deputatum.

10. nisi in festo sancti Mychaelis inchoaverit residere.

quo casu non habebit necesse ultra illum terminum vicarium retinere · dummodo in festo nativitatis beati Johannis [Baptiste], vel ante, vicarium suum super hoc curaverit premunire.

11. Hoc idem intelligendum est de alio termino ; dum [modo][1] ad Natale [Dñi] ipsum super hoc premuniat.

12. Debet autem quilibet canonicus presentare vicarium boni testimonij virum decano.

13. et si presentaverit aliquem qui prius non fuerit vicarius ; non absolute admittetur · set examinabitur · an sciat legere et cantare.

14. et si[2] utrumque sciat probabiliter non tamen admittetur de plano · set ita ut sit in probacione primo per annum · vt interim addiscat antiphonar' et ympnar'.

15. et si lapso anno illa addidicerit [ita][3] ut probabiliter illa sciat sine libro · secundo anno deputabitur psalterio[4] eodem modo addiscendo.

16. et si in utroque profecerit probabiliter[5] admittetur · sin autem, repelletur.

17. Quilibet vero vicarius cum admittitur jurabit fidelitatem [6]ecclesie.

18. et clerici[6] similiter qui chorum frequentant.

19. et si vicarius recesserit vel decesserit canonicus alium pres[en]tabit vicarium.

20. et si hoc non fecerit, solvet nichilominus stipendia vicario debita que cedunt[7] in vicariorum communam.

21. Si autem canonicus ecclesiam habens prebenda-

[1] *add.* L, B, T.
[2] 'licet' *L, B, T.*
[3] *habet* L; 'addisceret' *Mor.*; 'didicerit, ita vt illa' *B*; 'illo illa addicerit ita' *T.*
[4] 'psalterium' *L.*
[5] 'laudabiliter' *B.*
[6–6] 'ecclesie et capitulo' *B.*
[7] 'cedent' *L, B, T.*

LINCOLN, A.D. 1236. tam vicarium in ecclesia facere voluerit · taxata vicaria per episcopum et decanum ipsum vicarium decano presentabit.

22. qui consideratis circumstantiis que contra ydoneitatem persone fuerint attendende · presentatum si nichil obstiterit canonicum admittet · vel si viderit indignum repellet.

23. admissum quidem ad episcopum mittet · qui ei curam animarum hoc solo quoad ipsum contingentia contentus committere debebit.

24. Ipse autem vicarius obedientiam decano · canonico autem eum presentanti Domino suo fidelitatem similiter et obedientiam jurabit.

Sections 21—24 of the document sent to Moray in the 13th century are not found in *L* (the Chapter Act of 1309), nor in A. Beek's Book, nor yet in *T*; but after § 20 the following paragraphs are entered in these MSS.

A.D. 1309. i. [Porro de stipendijs vicariorum sic ordinatum est.

ij. Quilibet habebit tres Marcas per annum · que a Canonico preposito Vicariorum soluentur Linc̄. Scilicet ·xx· solidos ⁝ in festo sancti Michaelis · et ·xx· solidos ⁝ in festo Annunciacionis beate virginis.

iij. Si autem Canonicus infra ·xv· dies post dictos terminos stipendia non soluerit memorata · pro termino non seruato ⁝ prestabit ad opus vicar' nomine pene ·xl· denarios.

iiij. De hijs tribus Marcis supradictis ⁝ vicarius percipiet loco stipendiorum per manum prepositi sui ·xx· solidos terminis predictis · Reliqui ·xx· solidi ⁝ cedent in vicariorum communam.

v. Quilibet uero Canonicus qui decessit[1] hactenus / cuius memoria in hac ecclesia seruatur · uel qui in posterum decedet ⁝ die obitus sui singulis annis imperpetuum habebit communam ac si esset superstes / et illi commune defunctorum adicietur de communa canonicorum tantum ⁝ unde integra fiet communa tocius anni · donec per obitum canonicorum plene compleatur.

vj. Ista uero[2] communa erit perpetua ⁝ et cedet ut[3] incrementum commune vicariorum[4].

[1] 'decesserit' *B*.
[2] 'Ista autem' *B*; 'Ita' *T*.
[3] 'in' *B*.
[4] 'vicarie' *T*.

vij. que quidem communa ita distribuetur.

viij. Quilibet vicarius habebit singulis diebus per annum / vnum denarium · qui denarius fiet de ·xx· solidis supradictis / in communam vicariorum assignatis · et de communa prefata defunctorum · et de redditibus vicarijs collatis / et conferendis.

ix. et [1]quod denario soluto / supererit ⁝ per manum prepositi sui / inter eos anno sequenti sic distribuetur[1].

x. vt quilibet vicarius in maioribus festis ⁝ duos denarios recipiat · et in octabis solempnibus similiter.

xj. Et si in tantum communa creuerit ⁝ quod singulis festis et octabis · uel eciam singulis diebus anni hoc fieri possit ⁝ fiat cum pena inferius subscripta.

xij. Et quicquid in denarijs · uel alijs rebus mobilibus a canonico / uel alio quocumque in morte · uel inter uiuos / eidem fuerit collatum ⁝ per manum prepositi inter eos diuidetur.

xiij. excepto eo · quod ad redditum comparandum ⁝ ipsis fuerit donatum.

xiiij. Inde enim redditus / secundum mentem donantis comparabitur et eorum assignabitur commune.

xv. Et quoniam expedit ut ecclesie seruicium vicarij diligenter exequantur ⁝ prouisum est contra desides / et negligentes /

xvj. ut denarium predictum et incrementum die quo deliquerint non exequendo seruicium ecclesie prout inferius exprimetur ⁝ amittant.

xvij. Seruicium quidem ecclesie in horas maiores diuiditur et minores[2].

xviij. Maiores hore sunt ⁝ matutine · prima · Missa in maiori altari · vespere · completorium in quadragesima · placebo et dirige pro vna hora.

xix. Minores sunt ⁝ tercia · sexta · nona · commendacio · Missa in capitulo · et completorium extra quadragesimam.

1–1 'quot denar' supererunt solito...distribuentur' *B*, *T*.

2 For §§ xvij—xxvij see above (York Statutes) pp. 109, 110.

LINCOLN, A.D. 1309.

xx. Has horas exequetur vicarius cum distinctione.

xxj. A matutinis potest semel in ebdomada inpune abesse · et quandoque bis inpune · dum modo non faciat hoc ex consuetudine.

xxij. Consuetudo censetur · si infra mensem plusquam una septi[man]a duas perdiderit matutinas.

xxiij. quo casu ⁝ illius diei quo fecit defectum ⁝ perdit communam.

xxiiij. De alijs maioribus horis [1]potest singulis diebus in ebdomada duas horas perdere / sine pena · et tres vna septi[man]a infra mensem.

xxv. De minoribus horis[1] sic erit.

xxvj. Singulis diebus impune poterit tribus horis abesse · et quatuor ⁝ vna septimana infra mensem.

xxvij. Inpunitas autem quam concessimus in maioribus et minoribus horis sic accipienda est · quod ita poterit maiores perdere · si omnibus alijs tam maioribus quam minoribus [2]contigerit eum interesse.

xxviij. Hoc idem dicimus de tribus minoribus horis · quod non cedat ei in penam illas tres horas perdere. Si omnibus alijs horis tam maioribus quam minoribus contigerit eum[2] interesse[3].

xxix. Idem intelligendum est de vna maiori hora ⁝ et duabus minoribus.

* Chapter Acts, A. 2. 21, lf. 9b.

xxx. *Et cum emolumentum senciant ex communa defunctorum sicut supradictum est ⁝ prouisum est ·

xxxj. quod vicarius sacerdos / cum duobus vicarijs non sacerdotibus successiue per ebdomadas tocius anni singulis diebus imperpetuum nullo die excepto ⁝ celebrabit missam pro canonicis defunctis / cum placebo et dirige / et commendacione.

xxxij. Et quando aliquod anniuersarium canonici euenerit ⁝ prima oracio sit ⁝ *Deus indulgenciarum.* Secunda ⁝ *Deus venie.* Tercia ⁝ *Miserere.* Quarta ⁝ *Deus cuius miseracione.* Quinta ⁝ *Fidelium deus.*

xxxiij. Iste quidem sacerdos cum clericis suis

[1–1] *omitt.* B, T. [2–2] *omitt.* B, T. [3] 'intersit' *T.*

sua septimana liberi erunt ab execucione obsequij[1] de- LINCOLN, A.D. 1309.
functorum · quia[2] fieri solet in choro.

xxxiiij. Et ut vtiliter isti commune consulatur ⁝ salubriter prouisum est.

xxxv. vt ab ipsis vicarijs assensu Decani / et Capituli ⁝ vnus prepositus eligatur.

xxxvj. et ille prepositus habebit curam et administrationem commune / et reddituum / et[3] aliarum rerum ad ipsam spectancium · et eciam rerum ipsis vicarijs prout supradictum est donandarum.

xxxvij. et per ipsum prepositum distribuetur ista communa inter vicarios prout supradictum est in fine cuius libet septimane.

xxxviij. Oportebit autem prepositum istum horis assidue predictis ⁝ pro posse suo racionabili interesse · vicariorum defectum diligenter explorantem[4] · ut sic sciat quibus debeat subtrahere communam.

xxxix. Et iste prepositus in creacione sua prestabit iuramentum / quod [5]in administracione officij sui ⁝ fideliter se habebit.

xl. ipsi quoque vicarij iurabunt · quod[5] contra constitucionem istam ⁝ communam non recipient.

xlj. Et si quis conuictus fuerit contra suum venisse iuramentum ⁝ de ecclesia expellatur.

xlij. Idem uero prepositus reddet compotum suum singulis annis in crastino sancti Michaelis / coram duobus canonicis et quatuor vicarijs per Decanum et capitulum ad hoc deputatis.

xliij. Et ut libencius / et diligencius officium suum exequatur ⁝ dupplicem habebit communam.

xliiij. Et ut expedicius ecclesie seruicium compleatur · et excessus clericorum chori si qui forsan fuerint completencius corrigantur ⁝

vnanimi prouisione[6] statutum est ·

xlv. ut quolibet sabbato fiat in capitulo chori congregacio.

[1] 'officij' *T.* [2] 'que' *B*, *T.* [3] *omit.* 'et' *T.*
[4] 'explorando' *T.* [5–5] *omit.* T. [6] 'voluntate' *T.*

Lincoln, A.D. 1309.

xlvj. et ibi pupplice rectitetur illa libri consuetudinarij particula · que seruicium distinguit sequentis septimane.

xlvij. et tunc eiusdem septimane seruicium euidenter ordinetur.

xlviij. et si quid acciderit in ebdomada preterita corrigendum ⁝ prout decet corrigatur.]

The following sections are common to both documents, that which was sent to Moray early in the thirteenth century, and the Lincoln Chapter Act of 1309. (It is contained also in Ant. Beek's Book and in MS. *T*.)

A.D. 1236.

¶ De gestu clericorum in choro.

1. De gestu vero clericorum in choro ut uniformiter ab omnibus servetur prouisum est in hunc modum.

2. Omnes de choro chorum intrantes si ex parte australi habeant sedes[1] / ex [illa] parte intrent et exeant / sive ab oriente intrent / sive ab occidente.

3. Et cum ab oriente intrent post descensum[2] ultimi gradus in choro ⁝ incline[n]t se primo ad altare · postea ad Episcopum si presens sit[3] · vel ad decanum / si Episcopus absens sit · et sic ingredia[n]tur stallum suum.

4. ita tamen quod si transeundum sit per ipsum qui chorum regit / transeat inter ipsum et cler[ic]um[4] illius partis.

5. Si autem ex parte occidentali ingrediuntur statim ingressi inclinent se primo ad altare · postea ad episcopum et [ad] decanum.

6. Idem obseruetur ex parte aquilonari.

7. Clerici [vero][5] sub hac forma chorum intrantes modeste et ordinate sese in locis suis recipiant · non insolenter formas transilientes.

8. eodem modo se habeant exeuntes.

9. Et si quenquam oportuerit ab una parte chori[6] usque in aliam transire ⁝ [vel] in extrema parte chori uersus orientem vel occidentem transitum faciet[7].

[1] 'sedere' *B*. 'illa' *habent* L, B. [2] 'decessum' *Mor*.
[3] 'fuerit' *Mor*. [4] 'clerum' *Mor*. [5] *habent* L, B, T.
[6] 'ab una hora ex parte chori' *T*. [7] 'faciat' *B*; 'faciant' *T*.

10. et in eundo et redeundo ad altare se incline[n]t.

11. Set ab hac necessitate Rectores chori excipiuntur.

12. In choro nullum fiat murmur a clericis · set honeste se habeant sine turpi risu et ioco · et pauca habeantur colloquia et necessaria et demissa[1] voce.

13. Hoc autem est adnectendum[2] quod [post quam] quis chorum est ingressus · vt Tercie · Sexte · None · vel Completorio extra Quadragesimam [intersint] / ipsi sine causa ante finem hore egredi non licebit.

14. Et si cum aliquo qui non sit de choro loqui debeat, ad loquendum cum ipso chorum egrediatur.

15. ¶ Hec autem sit forma omnium standi et sedendi in choro.

16. omnes debent stare ad omnes horas tocius anni · cum subscripto tamen moderamine.

17. ad vesperas [quando] versus Responsorii canitur a duobus vel pluribus / sedere possunt usque ad *Gloria* [*Patri*].

18. pueri tamen in prima reincepcione[3] finis Responsorij surgunt[4] post versum cantatum.

19. Secundarij similiter Rectores chori in festis duplicibus.

20. Eodem modo in ebdomada Pasche sedet chorus dum versus Gradalis canitur et versus *Alleluia*.

21. Ad matutinas quoque sedet chorus dum lectiones leguntur et Responsoria cum suis versibus cantantur usque ad *Gloria* · vel quando *Gloria* non dicitur usque ad reincepcionem[5] Responsorij.

22. Possunt [eciam] alternis versibus[6] sedere in omni psalmodia preterquam in duplicibus festis.

23. ita scilicet ut quando unus in uno psalmo sedet socius eius proximus stet.

24. et hoc idem fieri potest in psalmodia Prime / quando dicitur *Deus Deus meus* [*respice*] etc.

[1] 'dimissa' *Mor., B, T.*
[2] 'attendendum' *Mor.*
[3] 'repeticione' *L, B, T.*
[4] 'surgant' *L, B.*
[5] 'principium' *B.*
[6] 'in alternis vicibus' *T.*

Lincoln, A.D. 1236.

25. Set ab ista alterna sessione excipiuntur pueri et chori Rectores · qui in omni psalmodia stare debent continue.

26. Ad missam eciam sedetur[1] dum lecciones et epistole leguntur.

27. et quando Gradale cum suo versu canitur quando chorus non regitur.

et ad versum Gradalis[2] et ad versum *Alleluia* / quando chorus regitur.

28. eodem modo clerici ad hoc deputati ad gradum vel ante[3] altare cantent versus Tractus alternos[4].

29. item post offertorium usque ad *Per omnia.*

30. et post *Sanctus* usque ad aliud *Per omnia*: dum tamen erigant se in elevacione hostie et ad altare se reuerenter inclinent.

31. et post orationem Dominicam finitam usque ad sequens *Per omnia* possunt sedere / preterquam in tempore prostracionis.

32. Quod autem dicitur[5] de alterna sessione in matutinis et ad Primam / hoc idem potest in debilibus et senibus qui sunt in stallis et ad omnes horas obseruari.

33. Preterea[6] postquam ingressi sunt stalla sua vel loca ut horis intersint · Dum oratio dicitur Dominica[lis][7] que quamlibet horam precedere debet / stare debent ad altare conuersi.

34. [et] quando dicitur *Deus in adiutorium* usque ad incepcionem antiphone que in vesperis et Completorio locum habet /

35. Set ad alias horas diei sic stent conuersi usque ad incepcionem ympni.

36. In matutinis quidem conuersos se habeant ad altare usque ad incepcionem ympni post *Venite*: nisi dum chorus cantat inuitatorium.

[1] 'sedendum' *T.* [2] 'gradalem' *Mor.* [3] 'ad' *L, B.*
[4] 'versum Tr. alternum' *L, B*; 'versum tractus cantant alterni' *T.*
[5] 'diximus' *B, T.*
[6] 'pariter' *Mor. sed et diversa punctuatione distinguit.* [7] -alis *Mor.*

37. Et est notandum quod chorus semper debet stare conuersus ad altare in incepcione cuiuslibet ympni. LINCOLN, A.D. 1236.

38. et dum ultimus ympni uersus cantatur

39. et ad omne *Gloria Patri*

40. et dum oratio Dominica[lis][1] dicitur ante lectiones

41. et in incepcione *Te Deum*

42. et in fine eius dum ultimus versus cantatur

43. et in omnibus [similiter][2] versiculis capitulis et collectis.

44. Ad missam autem[3] gestus attenditur memoratus dum *Gloria in excelsis* cantatur[4] quousque chorus cantat.

45. et in eodem ympno dum hec verba dicuntur *Adoramus te* · cum capitis inclinatione.

46. et hec[5] *Suscipe deprecationem nostram.*

47. et in fine eiusdem / cum dicitur *Jesu Christe* / usque ad incepcionem lectionis vel epistole.

48. item in fine Gradalis vel *Alleluia* vel tractus.

49. et dum legitur evangelium ad altare.

50. et[6] dum legitur in pulpito debet chorus se conuertere ad lectorem euangelij donec euangelium perlegatur.

51. hoc excepto quod cum respondet *Gloria tibi Domine* debet se ad altare conuertere et crucis signaculo [com]munire[7].

52. Et hec crucis consignatio fit hic

53. et in fine *Gloria in excelsis* cum dicitur *In gloria Dei Patris.*

54. et in fine *Credo in unum* / cum dicitur *Et vitam futuri seculi.*

55. et in fine *Sanctus* / cum dicitur *Benedictus qui venit in nomine Domini.*

The next chapter found in the collection sent to Scotland, agrees (excepting in the introductory clause) with §§ xliiij—xlviij given just above (pp. 149, 150) from the Chapter Acts of 1309.

1. ¶ Ut autem excessus clericorum et chori si qui

[1] -alis *Mor.* [2] 'super' *T.* [3] 'eciam' *B*, *T.*
[4] 'inchoatur' *B*, *T.* [5] 'hic' *Mor.* [6] 'quia' *B*, *T.*
[7] 'munire' *L*, *B.*

Lincoln, A.D. 1236.

forsitan fuerint competentius corrigantur · unanimi prouisione statutum est /

2—5. ut quolibet sabbato fiat chori congregatio / .... corrigatur.'

The two paragraphs following take the place of the preceding Chapter in the Chapter Acts of 1309 and do not appear to have been sent to Moray in the thirteenth century; so we may infer either that they formed no part of the earlier Constitutions, or that the purport of them had been in Chapter III. of the *Dignitates libertates et immunitates* and the *Carte episcoporum* which accompanied them. In the fifteenth century MS. *T* these two paragraphs 'De Jurisdictione Prebendarum' stand before the chapter '*Quilibet* [*autem*] *canonicus.*' (See p. 144.)

Nota de iurisdiccione prebendarum.

¶ Singuli Canonici in suis prebendis in toto episcopatu Lincoln' habent plenam iurediccionem in omnibus subditis suis et parochijs.

Quia omnes dicte prebende libere sunt / et exempte ab omni potestate archidiaconi et officialium suorum · ab antiquo.

What follows forms part of the 'Constituciones' or 'Consuetudines et obseruaciones Lyncolnienses' sent to Scotland. It reappears at Lincoln about 1300—1325 in the first part of the Black Book, leaf 4, chapters 3 to 6, *de Officiis principalium Personarum.* I give the principal variations from that MS. (*X*). See *Lincoln Statutes*, i. pp. 280 foll.

¶ De officio Decani.

Decani [quidem][1] officium est ut[2] omnibus canonicis et vicarijs in animarum regimine [cum][1] morum correctione et iurisdictione premineat.

causas omnes ad capitulum spectantes audire et iudicio capituli terminare.

[et][1] appellaciones a canonicis ad ipsum factas in capitulo audire · et eorum causas tractare.

excessus quoque canonicorum · [vicariorum et][1] cleri-

[1] *non habet* X. [2] 'cum' *X.*

corum corrigere · et delinquentium personas iuxta delicti quantitatem et qualitatem personarum digna animaduersione punire. LINCOLN, A.D. 1236.

canonicos quibus dominus Episcopus prebendas contulerit admittere,

§et si presens est installare · si autem absens / subdecanus si presens fuerit / vel is cui decanus hoc mandauerit / id exsequitur sub hac forma. § The following passage does not occur in the Black Book, which has some regulations about the appointment of Vicars.

Canonico installando admisso et receptis literis Episcopi de stallo in choro et loco in Capitulo ei assignandis tradet ei possessionem per textum evangelij · canonicis psallentibus

Ecce quam bonum etc.

et interim dum psallitur psalmus ille osculabitur Decanum si presens sit / vel ipsum qui vices eius gerit · deinde ceteros secundum suum ordinem.

finito autem psalmo cum *Gloria Patri* /

et subsequente

Kyrie eleison

Christe eleison · et

Pater noster /

dicatur

Et ne nos.

Saluum fac populum tuum

et cetera.

§Preterea nullus clericorum de prima vel secunda forma in choro admittitur nisi auctoritate Decani. § Here *X* resumes. (i. p. 281.)

Item in maioribus festis duplicibus scilicet

Natiuitate

Epyphania

Purificacione beate Virginis.

[et][1] in Capite Jeiunij.

in Dominica palmarum · et

tribus diebus ante Pascha

die Pasche.

die Ascensionis.

in vigilia Pentecostes.

[1] *non habet* X.

LINCOLN, A.D. 1236.

die Pentecostes.
die sancte Trinitatis.
die natiuitatis sancti Johannis baptiste.
die apostolorum Petri et Pauli / *si in festo sancti Johannis baptiste non celebrauerit* /
festo Reliquiarum ecclesie.
diebus Annunciacionis
Assumpcionis et
Natiuitatis beate Virginis.
festo Omnium sanctorum · et
die sancti Hugonis /[1]
episcopo absente diuinum tenetur exequi officium.

Decano uero absente / sublimior persona ecclesie post Decanum in dictis diebus diuinum exequatur officium.

nisi tale festum in ebdomada qua aliqua persona ecclesie celebrat contigerit · quo casu idem ebdomadarius in eodem festo celebrabit.

†'minoribus' *melius X.*

In maioribus† vero duplicibus festis ecclesie persone successiue diuinum officium adimplebunt.

Hoc eciam sciendum est quod in omnibus principalibus [duplicibus] festis / et in alijs si fieri potest / debent canonici esse ministri[2] principales.

Ad Decanum vero[3] pertinet / si Episcopus est absens / dicere *Confiteor* tam ad Primam quam ad Completorium per totum annum quando dicitur *Confiteor.*

Quando vero[4] tam Episcopus / quam Decanus / absens fuerit / sacerdos ebdomadarius hoc semper faciet.

si autem[5] sacerdos ebdomadarius lecturus est / Decanus in absencia Episcopi dabit benedictionem · absente Decano / sublimior persona qui fuerit in choro.

This occurs (in substance) rather earlier in *X.*

In ·xl^{ma}· ante collacionem / cum legitur / et in capitulo similiter per totum anni circulum ad lectionem ibidem legendam / benedictionem dabit sacerdos ebdomadarius si decanus absens fuerit.

[The Dean's

Ad officium autem et curam Decani pertinet videre et

[1] Here *X* has some additions (i. p. 281). [2] 'altaris' *add.* X.
[3] 'quoque' *X.* [4] 'cum autem' *X.* [5] 'vero' *X.*

corrigere · librorum · vestimentorum · sartatectorum · et aliorum ornamentorum in ecclesijs prebendatis · que libere sunt et exempte a potestate et iurisdictione archidiaconorum officialium et decanorum ruralium · si canonici rectores earundem in hijs fuerint negligentes. LINCOLN, A.D. 1236. [duty as to repairs and the correction of Chaplains is omitted in the Black Book, X.]

Delicta autem et insufficientias capellanorum in predictis ecclesijs prebendatis ministrancium / sive fuerint vicarij / sive non · emendare · si dicti canonici id exequi neglexerint.

Honor vero et reuerencia Decano debentur in hijs que subiunguntur.

Omnes tam maiores quam[1] minores chori in ingressu et egressu chori ad ipsum in stallo suo constitutum inclinabunt.

Item nullus de choro maior vel minor debet sine licencia Decani de villa recedere per unam noctem ex certa scientia moram facturus.

nec eciam se[2] minuere.

Item Decano chorum vel capitulum intranti vel transitum [per][3] alterutrum facienti omnes maiores et minores assurgere tenentur.

Item vespere et matutine non inchoabuntur ante aduentum Decani [4]vel eius mandatum de suo non aduentu[4].

Aspersio [autem][5] aque benedicte et processio / et collatio in Quadragesima ad[6] completorium in eodem tempore [7]quo Collatio[7] legitur / ipsius expectabunt adventum vel contrarium mandatum.

¶ De officio Cantoris.

Cantoris officium est chorum in cantuum eleuacione et depressione regere.

cantores in tabula ordinare.

Ad illum eciam pertinet et puerorum instructio et disciplina et eorundem in choro admissio et ordinacio.

Preterea in omnibus maioribus festis duplicibus tenetur

[1] 'tam' *B.* [2] 'sibi' *X.* [3] 'uel' *X.*
[4–4] 'si interesse voluerit vel valuerit' *X.*
[5] *non habet* X. [6] 'uel' *X.* [7–7] 'quando collacio non' *X.*

Lincoln, A.D. 1236.

ad missam interesse regimini chori ad bancum in choro cum ceteris [1]personis qui similiter omnes qui presentes fuerint ad bancum predictum esse debent cum alijs rectoribus chori[1].

debet eciam in omni duplici festo Rectores chori de cantibus iniungendis et incipiendis instruere,

Item omnes cantus ab Episcopo incipiendos ipse Episcopo in propria persona tenetur iniungere.

Libros autem cantuum ecclesie f[r]actos[2] corrigere · et cum opus fuerit post primam ligaturam ligare[3].

et si novi tales libri scribendi sunt / ipsius cura et disposicione scribentur · preposito canonicorum expensas ministrante.

et cum in choro discordia vel defectus dum canitur vel psallitur contigerit · ad curam pertinet Precentoris ut emendetur prouidere.

¶ De officio Cancellarij.

Officium Cancellarij est scholas theologie regere.

predicare vel per se vel per alium quem de ecclesia elegerit.

dum ex consensu decani et capituli illud extraneo deputet officium.

et hoc intelligendum est quando choro presente predi-
†'cum' *M.* candum est · alias poterit cui† voluerit officium iniungere memoratum.

Est autem predicandum hijs diebus populo.

singulis dominicis diebus.

[clericis][4] in capitulo.

per tres primas dies Natalis Domini.

die Epiphanie · item

per tres primas dies Pasche.

die Assumpcionis.

die natiuitatis beate Marie

die Omnium Sanctorum[5].

[1–1] 'rectoribus chori, et uocare ad se quos uiderit.' *X.*

[2] 'fractos' *X.*

[3] 'religare' *X.*

[4] *omit.* X.

[5] 'die sancti Hugonis.' *add.* X.

die Sancte Trinitatis. LINCOLN, A.D. 1236.

et hoc fiat vel per canonicos vel per alios viros autenticos ; si inueniantur qui velint et sciant.

item die Cinerum.

Per quinque dies apud locum stacionis · scilicet

die Palmarum et

maiores Letanie[1] · et

tribus diebus Rogationis[2] quando solempnes extra ecclesiam fiunt processiones.

Item libros legendarum corrigere et post primam ligaturam / si opus sit / religare / et si noui tales libri sint faciendi ; qualiter scribantur sua sollicitudine prouidere · preposito canonicorum expensas ministrante.

Item in tabula† lectores et ministros altaris ordinare et scribere. †'stabulo' *Mor.*

lectores ascultare · et lectiones terminare.

que in missa fuerint[3] prout expedit iniungere · et similiter in solempnibus anniuersarijs.

Item sigillum capituli principaliter custodire /

[4]ita quod illud in thesauraria sub serrura duplici depositum recludetur.

in cancellaria clauem minoris serrure sub qua primo et immediate reclusum fuerit penes se habebit.

clauem autem alterius et maioris serrure sub qua minor recludenda est habebit Thesaurarius.

Ipsum autem sigillum nusquam extra thesaurariam defertur / nisi cum opus fuerit pro literis capituli in presencia fratrum signandis vel alijs literis quibus ipsum fuerit apponendum.

Si vero Cancellarius a villa recedere debuerit · clauem supradictam alicui de canonicis ; vel si nullus canonicorum ipsam recipere voluerit / Decano commendabit / donec redierit / custodiendam.

Similiter si Thesaurarius villam exire debuerit de claue sua facere tenebitur[4].

[1] 'maiori letania.' *X.* 'maioris' *Mor.* [2] 'rogationum.' *X.*

[3] 'Lectiones que fiunt in missa' *X.*

[4–4] 'ita...tenebitur.' These details about the keys are omitted in the Black Book (i. p. 285).

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Ad Cancellarium autem pertinet literas capituli et cartas componere.

et que legenda sunt in capitulo legere.

libros eciam theologie ecclesie custodire · et alios similiter in armariolo conseruare.

quos singulis annis in prima septimana Quadragesime coram deputatis ad hoc ostendere debet et exhibere · ut sic appareat quod nullus fuerit perditus[1] vel deterioratus · et illi qui ad hanc ostensionem deputati sunt numerum sciant librorum qui per eos conscriptus in thesauraria deponetur.

Dignitas ipsius est : quod nullus potest legere in ciuitate Lyncolniensi nisi de licencia ipsius.

et quod omnes scholas in comitatu Lyncolniensi pro suo confert[2] arbitrio · exceptis hijs que sunt in prebendis.

ℂ De officio Thesaurarij.

Thesaurarij officium est ornamenta et Thesauros ecclesie conseruare

et luminaria ecclesie ministrare.

orologia eciam custodire et regere et prout opus[3] reficere.

hostias · vinum · candelas singulis altaribus ecclesie · ministrare.

debet eciam inuenire aquam · carbones · thus · phialas et utensilia necessaria in ecclesia · [4]et natulas[4] in choro et coram altaribus · et in capitulo stramen · vel iuncum in duplicibus festis.

et multa alia que longum est enarrare.

[1] 'deperditus' *X*. [2] 'conferat' *X*.

[3] 'oportet' *X*. Here in the Black Book mention is made of the expenses of the Treasurer's subordinates: likewise of the Bells (i. p. 286).

[4–4] 'cordas etiam ad campanas et nauiculas' *X*.

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283.4253
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